

**KENTUCKY**

Fall 2012 | Volume 11, Number 3

# LAW ENFORCEMENT

MORE THAN JUST

**KIDS'**  
**PLAY**

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Governor

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Cabinet Secretary

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enforcement. It includes best practices, professional  
profiles, technology and law updates of practical  
application and new-to-use for professionals in  
the performance of their daily duties.

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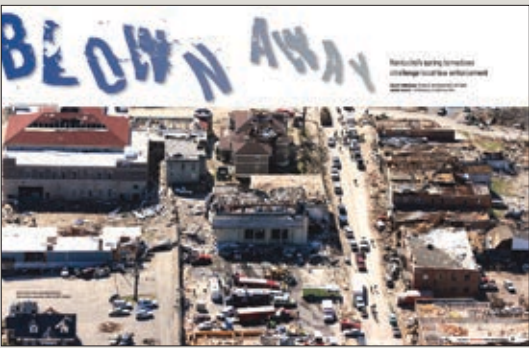
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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine  
and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLE news staff can also publish  
upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.



## Secretary's Column

# Summer of Success

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

In law enforcement there is no such thing as taking the summer off. The commitment to duty continues whether the work day is just beginning, or the shift is winding to a close. The Justice and Public Safety Cabinet shares that commitment to criminal justice issues, and we've worked diligently over the past several months to build on the success of several public safety initiatives.

### HOUSE BILL 1 SUCCESS

Prevention of prescription drug abuse continues to be a key focus for the cabinet. House Bill 1, passed during a special legislative session this year, requires pain management clinics to be owned by a licensed medical practitioner, mandates participation in the Kentucky All-Schedule Prescription Electronic Reporting system, and requires immediate investigation of prescribing complaints.

As required in the law, the Kentucky Board of Medical Licensure developed regulations spelling out when and how prescribers must run KASPER reports. Although those regulations were passed with emergency status, making them effective immediately, the Board is going through the regular administrative regulation process to allow for public comments and discussion.

Already, the law has had a dramatic impact. Prior to the passage of HB 1, about 3,000 KASPER reports were requested or pulled in one day. Since its implementation, the number has skyrocketed to 20,000 per day.

### SAVINGS FOR THE COMMONWEALTH

A year after the passage of HB 463, Kentucky's criminal justice system is beginning to see tangible results of the landmark legislation. The statute modernized Kentucky drug laws by differentiating between casual possessors and traffickers, and reduced prison time for low-risk, non-violent offenders who possess small amounts of illegal drugs. The law also strengthened probation and parole functions by basing key decisions on the risks posed by offenders, improving supervision and linking offenders to appropriate community resources.

The law is estimated to save the commonwealth \$422 million over the next decade, a portion of which will be reinvested into drug treatment opportunities for offenders who need help and support for community corrections initiatives.

A key provision of the law, mandatory re-entry supervision, went into effect in January. As of mid-August, 2,611 inmates have been released to the supervision of a parole

officer. These parolees are monitored for progress and compliance and are subject to be returned to prison if they violate the terms of the release. Previously, all of these offenders would have been released to the community within six months with no supervision or assistance to help them transition lawfully back into society. There are restrictions regarding offenders' eligibility to be placed on mandatory re-entry supervision.

### REBUILDING BETTER

Northpoint Training Center began expanding its inmate population this summer, nearly three years after rioting inmates destroyed six buildings at the medium security prison near Danville. The \$19 million-dollar rebuild of the prison includes two new buildings — one for a new kitchen, dining hall, library, medical center and commissary and the other for a new visitation center — and upgraded security.

### NEW REVIEW PANEL

In order to ensure that state agencies meet the policies and standards expected in cases of child abuse and neglect, Gov. Steve Beshear issued an executive order in July establishing the Child Fatality and Near Fatality External Review Panel. The independent 17-member panel is attached to the Justice and Public Safety Cabinet for staff and administrative purposes, and it will conduct comprehensive reviews of child fatalities and near fatalities that are determined to be the result of child abuse or neglect.

The panel will be composed of a wide range of experts and stakeholders, including law enforcement and social services and representatives of all three branches of state government. Those members who are not serving by virtue of their office are selected for service by external peer committees or by the attorney general.

### NEW FACILITY IN USE

A year after we closed a state prison and converted it into a new training academy for the Kentucky State Police, the facility is receiving regular use in a variety of areas. Recruits use the site for physical training, classroom work and tactical exercises. Its multi-purpose rooms have been used for meeting space for several Justice and Public Safety Cabinet functions. ■



## Commissioner's Column

# Origins of the Juvenile Justice System

JOHN W. BIZZACK | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

The law has long defined a line between juvenile and adult offenders, but that line has often been drawn at different places for different reasons. Early in U. S. history, the law was heavily influenced by the common law of England, including "Blackstone's Commentaries on the Laws of England," first published in the late 1760s by William Blackstone, a leading jurist of the time.

In his commentaries, Blackstone identified two criteria which make individuals incapable of committing a crime. First, the individual must demonstrate a "vicious will" (the intent to commit a crime). Secondly, the individual must commit an unlawful act. If either the will or the act is lacking, no crime is committed. Blackstone immediately identified "infants" as incapable of committing a crime.

Blackstone and his contemporaries drew the line between infant and adult at the point where one could understand one's actions. Children younger than the age of seven were as a rule classified as infants who could not be guilty of a felony. Children older than the age of 14 were liable as adults if found guilty. Between the ages of 7 and 14 was a gray zone; a child in this age range would be presumed incapable of crime. If, however, it appeared that the child understood the difference between right and wrong, the child could be convicted and suffer the full consequences of the crime, including death in a capital crime.

Social reformers soon began to create special facilities for troubled juveniles, especially in large cities. In New York City, the Society for the Prevention of Juvenile Delinquency established the New York House of Refuge to house juvenile delinquents in 1825. The Chicago Reform School opened in 1855. Reformers supporting these institutions sought to protect juvenile offenders by separating them from adult offenders. They also focused on rehabilitation — trying to help young offenders avoid a future life of crime.

In 1899, the first juvenile court in the United States was established in Cook County, Ill. The idea quickly caught on, and within 25 years, most states had set up juvenile court systems. Juvenile courts were created on the philosophy that children are inherently different from adults, and it is the state's responsibility to protect and rehabilitate young offenders. These early juvenile courts were based on the legal doctrine of *parens patriae* (a Latin term that means parent of the country), giving the state the power to serve as the guardian (or parent) of those with legal disabilities, including juveniles. In line with their parental role, juvenile courts focused on the best interests of the child. They emphasized informal, non-adversarial and flexible approaches to cases

— in short, there were few procedural rules that the courts were required to follow. Cases were treated as civil (non-criminal) actions, with the ultimate goal of guiding a juvenile offender toward life as a responsible, law-abiding adult. The juvenile courts could, however, order that young offenders be removed from their homes and placed in juvenile reform institutions as part of their rehabilitation program.

Beginning in the 1960s, the U.S. Supreme Court heard a series of cases that would profoundly change proceedings in the juvenile courts, dramatically extending the due process rights of adult criminal trials to juvenile court proceedings. Those trends slowed in 1971 when the Court ruled that juveniles are not entitled to trial by jury in a juvenile court proceeding. An important factor in the Court's decision was its refusal to fully equate a juvenile proceeding with a criminal proceeding, even if the juvenile's case involved offenses that would be felonies or misdemeanors under the state's criminal laws and the juvenile court ordered the youth confined to a secure rehabilitation facility.

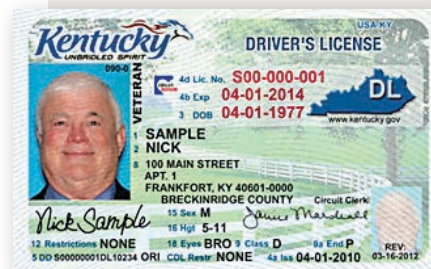
Views certainly differ on juvenile justice. The views of some criminologists are supported by some of the public in that juveniles should — in today's society — be treated similarly to adults when it comes to crime control. There are multiple national studies which provide an empirical basis for continuing the effort of building effective juvenile justice programs in spite of the often-heard cry that "nothing works when it comes to juvenile crime" by those who want to treat juvenile offenders the same as adult offenders. The message that there are successful programs that work to save wayward children is welcome news to most. We should take notice of these studies and recognize the remarkable tenacity of the public's belief that rehabilitation should remain an integral goal of juvenile corrections.

It has been suggested that the ultimate reason for holding onto the rehabilitative ideal is that it is profoundly moral. An ethical society can choose to use criminal justice for more than maintaining domestic peace and reinforcing values codified in law. It may also use criminal justice to acknowledge a belief that good lurks in the hearts of people who act badly; that some offenders, particularly juveniles, have the capacity, with time and with help, to change for the better. The process is as imperfect and unpredictable as humanity itself: some are helped by programs, some find salvation on their own and some never find it at all. ■



## New Kentucky Driver's Licenses Introduced This Fall

Greater security features and resistance to tampering are the highlights of the new Kentucky driver's licenses scheduled to be implemented across the state this fall.



The new license includes a variety of features in a multi-layer design that the Kentucky Transportation Cabinet said will thwart counterfeiting attempts and help protect citizens from identity fraud.

The new license will combine visible and confidential features to aid law enforcement in determining authenticity of the identification. Also, the card structure is designed to expose tampering attempts.

Among the new features are a digital watermark imperceptible to the human eye, bank note-level fine printing, dual-side lamination for greater tamper resistance and durability and a hologram with a single-color, ultraviolet "ghost" image.

Drivers are not required to upgrade to the new license until their current licenses expire. The systems to deploy the new licenses within each licensing office are estimated to be in place by October.

## KLEC Meeting Schedule

The Kentucky Law Enforcement Council meets quarterly to discuss issues that affect law enforcement across the state. The next KLEC meeting will be conducted Nov. 7 and 8 at the Embassy Suites in Louisville, Ky. The 2013 meeting dates are:

Feb. 13 and 14, May 8 and 9, Aug. 7 and 8 and Nov. 13 and 14  
All 2013 meetings will be conducted at the Embassy Suites in Louisville, Ky.



## DJJ Receives Accreditation Award

The American Correctional Association presented its highest honor for commitment to excellence, the Golden Eagle Award, to the Kentucky Department of Juvenile Justice for its work in achieving ACA accreditation in all its facilities, the training academy, central office and community and mental health division. According to the association, KYDJJ is only the second juvenile justice system in the nation to claim such an accomplishment. KYDJJ began the accreditation process in 1987, when the Morehead Youth Development Center became the first DJJ facility to achieve accreditation. ACA is the oldest and largest international correctional association in the world.



(L-R) Lester Lewis, Joyce Burrell, Department for Juvenile Justice Commissioner Hasan Davis, Dawn Wilkerson, Kevin Myers, Kathy Black-Dennis and Mary Galey.

## Law Enforcement Officers, Agencies Honored for Seat Belt and Child Restraint Enforcement

The Kentucky Office of Highway Safety honored 126 law enforcement officers across the commonwealth for their efforts to increase the use of seat belts and child restraints.

There were 721 total highway fatalities in Kentucky in 2011 with 576 killed in motor vehicles. Fifty-eight percent of those killed in motor vehicles were not wearing a seat belt.

Top winners were: Division One – Sgt. Tony Cantrell, Grayson Police Department; Division Two – Specialist George Kreutzjans, Fort Wright Police Department; Division Three – Ptl. Eric Jeffries, Cincinnati/Northern Kentucky Airport Police Department; Division Four – Ptl. Federico Rodriguez, Hopkinsville Police Department; Division Five – Officer Ray Sutherland, Louisville Metro Police Department; Division Six – Tpr. Chad Johnson, Kentucky State Police Post 5.

## AWARD WINNING



## Two DOCJT Employees Take First Place in National Competition

In a national competition with other state and federal communication professionals, two DOCJT employees won best-in-the-nation recognition in the National Association of Government Communicators' 2012 Blue Pencil and Gold Screen Awards for public communicators.

Announced at the national conference in Arlington, Va. in June, Public Information Officer Kelly Foreman captured first place in the writing portfolio category for feature articles published in Kentucky Law Enforcement magazine. Demonstrating the quality of the competition, second and third places were won by the U.S. Department of Labor and the U.S. Defense Logistics Agency. Public Information Officer Jim Robertson took first place in the photography category for journalistic color or black-and-white photos with his entry entitled "Impounded," a heart-rending depiction of a small dog impounded behind a chain-link fence in a Robertson County animal shelter.



## NEW CHIEFS

### CHRISTOPHER SHUTTE

#### Lakeside Park-Crestview Hills Police Department

Christopher Shutte was appointed chief of Lakeside Park-Crestview Hills Police Department on March 1. Shutte has more than 16 years of law enforcement experience, and his entire career has been at Lakeside Park-Crestview Hills, moving through the ranks of sergeant, captain and now chief. He graduated from Northern Kentucky University with a bachelor's degree in criminal justice and a minor in political science. Shutte went on to earn a master's degree in public administration. He is a graduate of the Department of Criminal Justice Basic Training Class No. 246 and the FBI National Academy 233rd session. Shutte said his department is in great shape, but he does want it to be more community focused.

### JEFF SHERRARD

#### Prospect Police Department

Jeff Sherrard was appointed chief of Prospect Police Department on March 26, 2012. He began his career in 1982 with the Jefferson County Police Department and continued to work there when the department merged with the Louisville Police Department. Sherrard retired from the Louisville Metro Police Department as a captain in August 2009 before being named chief of Prospect. He graduated from the University of Louisville with a bachelor's degree in police administration. His long-term goals are to add more staff and revamp department policies and procedures.

### DAVID GROUNDS

#### Sturgis Police Department

David Grounds was appointed chief of Sturgis Police Department on March 29. Grounds has 14 years of law enforcement experience and his entire law enforcement career has been at the Sturgis Police Department. He began his career as a part-time officer and left Sturgis as an assistant chief to pursue another endeavor. Grounds came back to Sturgis as a part-time officer and moved through the ranks to become chief. He graduated from the Department of Criminal Justice Basic Training Class No. 205. His long-term goal is to add more staff.

### ALLEN BORMES

#### Jenkins Police Department

Allen Bormes was appointed chief of Jenkins Police Department on April 1. He has two years of law enforcement experience. After graduating high school, Bormes served the U.S. Marine Corp for about two years. He graduated from the Department of Criminal Justice Basic Training Class No. 430. His goals are to add more staff and start a canine unit.

### ANTHONY GRAY, JR.

#### Danville Police Department

Anthony Gray, Jr. was appointed chief of Danville Police Department on April 23. Gray has more than 17 years of law enforcement experience all with Danville. He graduated from the Department of Criminal Justice Basic Training Class No. 240. Gray's long-term goals for the department are to become more involved in the community through community-oriented policing, implement a neighborhood-watch program and reinstitute the citizens' police academy. He also plans to enhance the school resource officers program by becoming more involved in the school system, especially when it comes to providing more alcohol prevention education. He also will look at purchasing a simulator for the program. His primary focus now is working toward providing the best security detail for the vice-presidential debate, which will be conducted this fall in Danville.

### ADAM SWINDALL

#### Elkhorn City Police Department

Adam Swindall was appointed chief of Elkhorn City Police Department on May 16. Before coming to Elkhorn City, Swindall served more than nine years with Jenkins Police Department, beginning as a patrolman and moving through the ranks to chief. He served as chief of Jenkins for two years. Swindall attended Southeast Community College and graduated from the Department of Criminal Justice Basic Training Class No. 342. His main goal is to add more staff.



## KENTUCKY STATE POLICE ANNOUNCE TOP TROOPER, DETECTIVE AND CVE OFFICER AWARDS

(From left to right) Sr. Tpr. Clyde Dingess, Post 11, Kentucky State Police Trooper of the Year; Detective Daniel Morck, Post 2, KSP Detective of the Year; Officer Jeremy Younger, Commercial Vehicle Enforcement Region 3, Jason Cammack Officer of the Year.



# KLEC Presents CDP Certificates

STAFF REPORT | KLEC

The Kentucky Law Enforcement Council’s Career Development Program is a voluntary program that awards specialty certificates based on an individual’s education, training and experience as a peace officer or telecommunicator. There are a total of 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

The KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

**INTERMEDIATE LAW ENFORCEMENT OFFICER**  
**Bowling Green Police Department**  
Jeffery M. Colvin  
James R. Lewis

**Danville Police Department**  
Thomas C. Broach

**Henderson Police Department**  
Aaron W. Stewart

**Jeffersontown Police Department**  
Stephen A. Schmidt

**Leitchfield Police Department**  
Timothy J. Moutardier

**London Police Department**  
Edward G. Herd  
Richard A. Reynolds

**Louisville Metro Police Department**  
Matthew T. Glass  
Oscar L. Graas Jr.  
Daniel T. Montgomery  
Martin L. Rosenberger  
James Scott

**Marion Police Department**  
Marty K. Hodge

**Owensboro Police Department**  
Joshua M. Alsip  
James R. Ashby  
Robert Duvall Jr.  
James E. McCarty Jr.  
Anthony L. Meadows  
Mark D. Powers  
Steven W. Smith

**Somerset Police Department**  
Brad W. Stevens

**Taylor Mill Police Department**  
Timothy L. Bailey  
Joseph D. Wilder

**Western Kentucky University Police Department**  
Ricky G. Powell

**ADVANCED LAW ENFORCEMENT OFFICER**  
**Bowling Green Police Department**  
Jeffrey D. Eversoll  
Michael D. Myrick

**Covington Police Department**  
Robert Auton

**Henderson Police Department**  
Russell Stoner

**Hopkinsville Police Department**  
Jack D. Lingenfelter II

**Jeffersontown Police Department**  
Stephen A. Schmidt

**Leitchfield Police Department**  
Timothy J. Moutardier

**Owensboro Police Department**  
James R. Ashby  
Robert Duvall Jr.  
James E. McCarty Jr.  
Anthony L. Meadows  
Steven W. Smith

**Richmond Police Department**  
Mark A. Wiles

**Western Kentucky University Police Department**  
Brandon Miller

**LAW ENFORCEMENT SUPERVISOR**  
**Georgetown Police Department**  
Donald W. Mather II

**Jeffersontown Police Department**  
David T. Hans

**Madisonville Police Department**  
Charles D. White Jr.

**Owensboro Police Department**  
Robert Duvall Jr.

**LAW ENFORCEMENT MANAGER**  
**Madisonville Police Department**  
Charles D. White

**LAW ENFORCEMENT EXECUTIVE**  
**Jeffersontown Police Department**  
Stephen R. Griffin

**LAW ENFORCEMENT OFFICER INVESTIGATOR**  
**Bowling Green Police Department**  
Michael R. Lemon

**Covington Police Department**  
Steven E. Bohman

**Owensboro Police Department**  
James E. McCarty Jr.

**Western Kentucky University Police Department**  
Ricky G. Powell

**BASIC TELECOMMUNICATOR**  
**LFUCG Enhanced 911**  
Charles L. Bowen  
Sheila R. Feltner  
Michael R. Gilbert  
Don C. Hale  
Jeffery L. Rohrbach

**INTERMEDIATE TELECOMMUNICATOR**  
**Lawrence County 911**  
Barbara Howard

**Madisonville Police Department**  
Sarah R. Ford

**TELECOMMUNICATION SUPERVISOR**  
**Hopkinsville/Christian County Communications**  
Joann Cowherd

**LAW ENFORCEMENT TRAINING OFFICER**  
**Danville Police Department**  
James D. Ferrie

**Hopkinsville Police Department**  
Jack D. Lingenfelter II

**LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR**  
**Bowling Green Police Department**  
Michael R. Lemon

**Owensboro Police Department**  
James E. McCarty Jr.

**COMMUNICATIONS TRAINING OFFICER**  
**Western Kentucky University Police Department**  
Hannah M. Haeberlin

## NEW ROLES

### DOCJT Announces New General Counsel, Supervisors

Former Franklin County Assistant Commonwealth’s Attorney Dana Todd recently joined the Department of Criminal Justice Training staff as the agency’s new general counsel, following the departure of Steve Lynn.

Already a familiar face around DOCJT, Todd has previously presented at several in-service child-abuse investigation courses.



Dana Todd

Todd has worked as an assistant commonwealth’s attorney in both Franklin and Jefferson counties, served as Kentucky’s assistant attorney general and taught in multiple educational environments. She earned her masters in Spanish and her Juris Doctorate from University of Kentucky.

DOCJT also appointed two new supervisors, following the retirement of Ron and Betty Godsey from the Compliance and Monitoring Section and Basic Telecommunication Section, respectively.



Mark Cool

Mark Cool was promoted to supervisor of the Compliance and Monitoring Section in July. Cool has worked for DOCJT for more than 10 years, serving as an investigator in the Compliance and Monitoring Section. He joined DOCJT following his retirement from the Kentucky State Police after 25 years of service.



Mike Keyser

Mike Keyser was promoted to supervisor of the Basic Telecommunication Section. Keyser has served DOCJT for 13 years, most recently as an instructor in the Instructional Design Section. He came to DOCJT after serving Boyd County both as a sheriff’s deputy and dispatcher.

### ‘Click It or Ticket’ Cites More Than 19,00 Unrestrained Motorists

#### AGGRESSIVE TWO-WEEK ENFORCEMENT CAMPAIGN ENCOURAGES SEAT BELT USE

This year’s Click It or Ticket enforcement effort, coordinated by the Kentucky Office of Highway Safety, resulted in citations to 19,594 motorists for not buckling up. The annual campaign was conducted May 21 through June 3.



Officers at 642 traffic-safety checkpoints throughout the commonwealth made 1,103 drunken-driving arrests, 1,392 felony arrests and 1,119 drug arrests. They recovered 53 stolen vehicles and apprehended 1,757 fugitives. They also cited 10,658 drivers for speeding, 419 for reckless driving and 5,072 people for having no proof of automobile insurance.

### Kentucky Firefighter Writes Fitness Guide for Emergency Personnel

Although officers are in the profession of protecting and helping the public, they too often neglect their own bodies. In order to provide the services they’ve sworn to the public,

officers need to understand the importance of being physically able to perform their roles. With this in mind, Richmond Firefighter Todd Planter developed the “Fit to Fight Crime Fitness Guide” for public safety professionals. The law enforcement-specific guide offers various exercises and injury-prevention tips geared toward emergency technicians. The “Fit to Fight Crime Fitness Guide” coaches

officers through simple activities that will allow them to minimize the risks of injuries caused by over extending their bodies. It gives a guide for increasing physical well-being, tracking progress and considering what variables are needed in a fitness regimen.



For more information, visit <http://firefitnessxl.com>



### Kentucky Law Enforcement Memorial Foot Pursuit 5K Run

October 27 | Richmond, Ky.

[www.klemf.org](http://www.klemf.org)  
— for details —





# BEATING THE ODDS

**T**he Kentucky Department of Juvenile Justice stands as the mediator between law enforcement and adult corrections, offering youth a place to turn around, make new choices and learn to strive for a better life and livelihood. DJJ and its ground-breaking programs have churned out numerous success stories of youth discovering their true possibilities and a brighter future. Newly-appointed Commissioner Hasan Davis rejoices with these successes because he shares in their past. Growing up on the streets of Atlanta, Davis navigated a difficult road before getting “his shot” to break out of the mold and obtain success. His experiences and belief in second chances drives him to create a juvenile justice system that pushes forward, pushes the envelope and pursues greatness. >>

◀ A nationally renowned artist spent two weeks at the Fayette County Juvenile Detention Center interacting with 10 to 15 kids to create a mural inside the facility. “It was neat to see what it meant to the youth to see the finished project. There was one kid in detention who asked if he could stay one more day to finish up this piece,” DJJ Public Information Officer Stacy Floden said.

PHOTO BY JIM ROBERTSON

Profiling Department of Juvenile Justice Commissioner  
Hasan Davis’ journey to hope

ABBIE DARST | PROGRAM COORDINATOR



“A child should leave us more whole, not with more holes, that is the bottom line. And we need to figure out a way in the system that has been traditionally labeled as a dead end, to refuse to be a dead end.”

>> **Why has your career centered around juvenile justice issues?**

Well, I was first arrested when I was 11. As a juvenile offender, I struggled with a lot of the issues I see young people facing now. I have two brothers serving life sentences. I have buried five cousins due to gang violence. Coming from Atlanta to Berea, Ky. back in the 1980s, I came trying to do something different. I really struggled, but as I completed my education at Berea College and went on to the University of Kentucky law school, I realized that working juvenile justice is where my energy needed to be, because it is what I understood personally. I knew that I wanted to work with high-risk youth and really try to figure out whatever it was that helped me get what my brothers didn't — and how we codify that and make it more obtainable.

Juvenile justice has been the focus of my work for most of my career, and when Secretary J. Michael Brown approached me about coming on formally, it was one of those, 'putting your money where your mouth is' moments. I train and work as a technical assistance advisor for the national Office of Juvenile Justice and Delinquency Prevention in a number of national training agencies for other states. So, I have visited other states across the country and I speak and train others. Eventually you have to prove what you are teaching. It was a good challenge for me to step up and actually help lead the system in the direction I think juvenile justice ought to be. That was the commitment,

and here we are. I'm excited to fly or fall, but really be able to make decisions and see what we can do.

**You talked about trying to harness what made you different from your brothers — do you have something on which to peg that? Was there somebody who pushed you in that direction?**

My mother is, without a doubt, the strongest anchor I have ever had. When I was arrested at 11, I was pretty sure of who I was. We were a pretty wild bunch and we thought we had the whole world figured out, and understood that we weren't going to get what other people had. If we wanted it, we had to take it. But when we were arrested, we got into a pretty dramatic altercation with the cops. By the time our mothers showed up, there was a lot of frustration, anger and cursing. Other mothers were saying, 'I'm going to make you go stay with your Dad,' and 'I had to take three buses to get here' and 'I had to leave work early and I might lose my job.' It was just frustration and fear, but it all came out as anger.

By the time my mother got there, I knew what was coming because all these crazy mothers were showing up, and I had my whole speech ready, 'You don't understand, I have to survive in the world. I'm a black man; you need to back up off me.' I'd been rehearsing my strategic points to the speech. When my mother got there she was really calm, which probably made me more nervous than anything. She thanked the officers, did the paperwork and processed it. I was like, 'Alright, she's just fronting. When we get outside, it's on.' We got out there and she was still calm. And I thought, "Well, when we get in the car, and the windows are up, it's on." So we got in the car, and I sat right next to the door, and didn't put my seatbelt on just in case I had to jump out. I was just sitting there, waiting. I finally got the courage to look up at her, and she was crying these huge tears. She looked at me and said, 'Baby, if you could see what I see every time I look at you, you would know how great you are.'

It was confusing. It wasn't what I expected, but it set a real standard. In the back of my head I kept asking myself, 'Who is she looking at? I'm running around, breaking and entering. I'm in fights all the time, gangs. I'm in my fifth elementary

school and she's saying, 'Gosh, you are incredible.'"

It was a placeholder. I still got in trouble. Our apartment burned down and our family had to split up, and it was just a chaotic life — but she always managed to get us back together. Shawn and Derrick are my two brothers, who are in jail. Shawn is my stepbrother, and he came to live with us when he was 8 from a very abusive family. He came with cigarette burns. Derrick is my foster brother and best friend. The three of us spent a lot of time together, literally keeping each other alive. I went to visit my brother Shawn once — he's doing 57 years now. I sat down and he said, 'You know what? I wish I could have believed Mama when she told me we were great. I wish I could have believed her and acted on it.'

I knew I had someone I could trust, even if the rest of the world was crazy. Mama said I was great and it really didn't matter what everybody else said. So as hard as it got for me, I kept going, thinking, 'But my Mama said I can do this.' I have ADHD and Dyslexia, and I've been kicked out of every school I've ever attended — I

got expelled from Berea College twice. But I graduated from Berea, and five years ago, I received the Outstanding Young Alumni Award. People ask how I did it, and I say, 'Because my Mama said I could. Not the professor that failed me, nor anything else, but my Mama told me I could.'

Every family comes to us with some value. But because of all the challenges they have, it is really hard to see. It is very easy to remove the family and just focus on the child, but we cannot sustain that. If you fix a child and put him or her back into a broken home, you've created more chaos, not less. You create more frustration, because now the kid has these great coping skills and great communication skills to talk things out, and mom still has a frying pan in her hand and dad still has a balled-up fist. We have to change the whole family, not focusing on where they are now, but where they can be.

My family was on welfare, we lived in bad places, but there was always this core sense that we were going to get through it together. All of our system's kids don't have a place to go back to, but we can create those surrogate families and create those

community connections that allow them to have some place that is not institutional. Part of the reason our numbers are going down is because we are doing a better job of creating community connections and finding a way to really support young people at home so they don't have to keep coming to us.

**How many young people pass through the DJJ system in a given year? What is the average type of offense DJJ deals with?**

We average 2,100 a year and (as of June) we are at 1,700 this year. Sometimes we have spikes for who knows what reason, but generally we've been trending down.

Assault, theft, breaking and entering and stolen property cases are the ones we see most often. Also, with the schools, we get a lot of 'beyond control' and 'terroristic threatening.' Some of it is legitimate, but quite a bit of it is everyone has learned the buzz words. It used to be that the kid who got up and got boisterous was just loud and didn't get to sleep last night. Now staff members will say, 'He's putting me in fear of my life and threatening the class,' those are the buzz words that immediately >>



PHOTO SUBMITTED BY DJJ

▼ The Audubon Youth Development Center's Shakespeare Behind Bars program brings in a professional theatre director who works on a weekly basis for several months with the youth in the center to produce a micro-production of a Shakespeare piece. This year was "Romeo and Juliet."



PHOTO SUBMITTED BY DJJ





▲ The Department of Juvenile Justice contracts with a Louisville group that works with DJJ students from group homes or in the community. The students go every day and work on a horse farm, learning how to care for race horses, how to shoe them and walk them. Through the program, students end up at Churchill Downs walking the horses they have been caring for. One of these DJJ students' horses won one of the races this past spring and the students were able to join the horse and rider in the Winner's Circle. It's an accomplishment because they helped that horse get to the Winner's Circle, Commissioner Hasan Davis said.

>> initiate school resource officers or local law enforcement to come and take the kid. As the former commissioner said, most of the kids who come into our system are here because they pissed off some adult. That's the bottom line. Because in the process of our ultimate authority as adults, some kid in their rebel mindedness had the audacity to tell us no, or to stand up or be stupid with us — like we were at that age — and it has become much more criminal to do it. I think a lot of young people come to us who, whatever challenge they presented, could have been addressed and met in the community. But that takes a lot of effort, whereas it is very easy to push the panic button and make it somebody else's problem.

**Doess DJJ offer programs targeted specifically at preventing youth from ending up in the juvenile justice system or keeping them from ever returning?**

Talking about prevention with DJJ is, unfortunately, a real short conversation. We don't have a lot of prevention dollars. There was a time just a few years ago when we had a very robust prevention program. In the past five years, we have taken more than a 16 percent cut in our budget and have systematically decreased those

preventative services in order to focus on the core services. It is a painful piece of the DJJ mission to lose because we celebrate the fact that we have the ability to stop some of this before it happens, instead of just reacting. Unfortunately, most juvenile justice and corrections systems are reactionary. The ability to be on the front end of that instead, was pretty exciting and innovative.

I think prevention overall is something we have to get to. Just like with family engagement, it has to be one of those unquestionables. If we don't have prevention in some way, we cannot be successful. We have to try and figure out how we leverage that with the community. We have lots of folks, lots of agencies, lots of foundations, rotaries and chambers. We have lots of people who are concerned about the outcomes when kids go wrong and are impacted by it. I'm trying to figure out a better way to make them understand that there is a way we can curtail that on the front end.

Education is the corollary. If we don't have high graduation rates, we have high crime rates. It's really that easy. If we don't have high graduation rates, we have low employment rates and employability rates. All those things that the chamber wants

— more companies coming in with high-paying jobs — well they will not bring high-paying jobs into a place that doesn't have kids who actually can do the job. We're trying to restructure our conversation, so it is not just about our part. Our part is just a small part of it. The bigger part of it happens in the community with partnerships and people mentoring and taking responsibility for these young people — helping them be successful, instead of waiting for them to fail. That is the shift in thinking we are trying to initiate. Ultimately, we do our best work when kids are doing well. We can correct them and get them out of here doing something good. It is a hard mindset when we know we're taking in less kids and keeping them shorter periods of time. But everybody wants to talk about crime and these kids, and what we have to do to keep everybody safe. That fear drives folks thinking about the problem instead of hope. We can be driven by our fear or by our hope. We have let our fear kind of glue our eyes to the set and forget all this stuff we could be doing in our best world instead of our worst case scenario.

**What remedies have been put in place to make the youth coming out of DJJ programs better citizens?**

The Youth Learning Services assessment gives us a snapshot of each youth. It tells us where he or she has criminal thinking, where he or she has high risk and challenges. Based on that, we develop a treatment plan. If there are substance-abuse issues, then we'll include one of three substance abuse programs that are tailored and run by counselors who are engaging youth at their level. If it is academic — every facility has educational components. A lot of it is tailoring, figuring out what they need, where their gaps are and filling in those gaps.

We also have some very specific programs that do some pretty interesting things. We have a great program at the Audubon Youth Development Center called Shakespeare Behind Bars, where a professional theatre director works on a weekly basis for several months with the youth in the center to produce a micro-production of a Shakespeare piece. This year was "Romeo and Juliet." Shakespeare has so many productions that are relevant to these young people. "Romeo and Juliet" by far is the most relevant. We are talking about gangs, passion and this teen angst that makes you run away with your girlfriend when her parents told you not to come near again. With Shakespeare Behind Bars, these kids have the opportunity to unpack that story, internalize it and talk about it. As they learn the



## Davis at a Glance

- Named acting commissioner Jan. 1, 2012
- Appointed deputy commissioner of DJJ on Nov. 1, 2008
- Chaired the Juvenile Justice Advisory Board for 10 years, from 1999 to until 2008
- Chair of the Subcommittee on Equity and Justice for All Youth while on the JJAB
- Served as vice chair of the federal Advisory Commission of Juvenile Justice under the Office of Juvenile Justice and Delinquency Prevention in Washington D.C. — advised Congress, the legislature and the president on the issues and where national juvenile justice issues needed to focus
- Served as director of the Youth Violence Prevention task force for Mayor Pam Miller in Lexington
- Graduated from University of Kentucky School of Law 1996
- Graduated from Berea College in 1992 with a BA in Oral Communication (an independently declared major at the time) ■

*The bigger part of it happens in the community with partnerships and people mentoring and taking responsibility for these young people — helping them be successful, instead of waiting for them to fail.*

lines — not just memorize the lines — they start to capture the meaning. Every year that is an incredible experience for them.

I also am an actor and I tour a couple of one-man shows nationally. I have had the pleasure the past couple of years to go in during part of their process. I do one of my one-man shows, which are about historical African Americans who struggled and faced a lot of difficult circumstances. Again, this gives them a chance to learn from that personal piece by telling the story of someone else who struggled with difficulty, but at the end came out OK. I also talk to them about my own experience, and I tell them, 'I'm the boss here. I'm your youth workers' supervisors' YSPS' step

superintendents' superintendents' regional directors' division directors' deputy commissioners' boss! That's nine levels, and I was once in a position like you.' I have a stack of letters sent to me from the young people after the conversation we had. We try to really engage them and let them know everybody has problems, it is how they deal with the problems that makes the difference.

Another great program is our Greyhound Program, which is just phenomenal in the way it allows young women to process their circumstances by caring for a helpless animal. These young ladies rehabilitate an animal into society and give it the skills, confidence and competence to go out into the world — and they get it. They write about it and they understand it, through their own lens of abuse, neglect and being used for what their bodies could do. I mean this is deep, deep stuff that they draw out.

It really is about getting outside of the box and looking at every resource that we can, but I think that we do a great job. We have made it work, in spite of our challenges. We have people who talk about how excited they are to hear us actually saying these words again. Because as an agency, we started out with these high goals, and there are times we were taken off task. There are people who are excited about the idea, and frightened too, that we are an active agency looking to change lives, instead of waiting to see what happens.

A child should leave us more whole, not with more holes, that is the bottom line. And we need to figure out a way in the system that has been traditionally labeled as a dead end, to refuse to be a dead end. That means we have to do things differently. The >>



>> easiest thing in the world is to lock a kid up and walk away. There are people who are absolutely OK with that as a model. You don't have to lose sleep over it. You don't have to go home and think about what you are going to do tomorrow for that one kid you keep trying to get to. None of that applies if all you have to do is make sure nobody gets over the fence. That's a very low bar, and we reject that as our job. The alternative is we have people who are being creative and innovative every day because the money has dwindled every year. I have people who are sending in projects saying, 'Hey, I have this idea and I think I can get it done, can I get \$50? Can I just get some copies made?' And we're saying, 'Yeah, go ahead, try it.' It might not work, but it might. If we're not taking risks and trying new things, then we are not doing anything different than we have been doing, and we won't deserve to get a different result.

It really is about how we take where we are, this position of where we are in the

system, pinned in between law enforcement and adult corrections, and not making it a holding cell, but instead the possibility of being an exit door. This could be that one shot. Everybody deserves a shot. I got a shot. I got accepted into Berea College with a 1.67 GPA and having been expelled from alternative school, with a GED and a juvenile criminal record. The admissions director, Mr. Cook, was completely as amazed as me when he said they were going to give me a shot. It doesn't happen. But when your eye is on the door, if it opens then you've got a shot at it. That's what we need to do is help them figure out where the door is and find the patience to wait for it to open, or figure out how to make a key. There are ways, but we have to be actively looking for them, not passively waiting for them.

**The Juvenile Detention Alternative Initiative was cited as the nation's most effective, influential and widespread**

**juvenile justice system reform initiative. Why is it so effective — what makes it great?**

The JDAI was an initiative started at the Annie Casey Foundation about 20 years ago. The core of it, based on a lot of data and research, has come to a series of best practices in detention. First and foremost it cited that detention, overall, is not a great method. There are times when it is absolutely necessary. There are young people who, because of the threat to themselves and threat to others of imminent harm and danger, need to be isolated. But those are a very, very small number of people and a very few times. That's the big picture. The JDAI has been this national initiative to reduce the reliance on detention as the disciplinary tool. Looking at status offenses and valid court order exception, we see judges' ideas of sentencing kids to weekend detention because they want to teach them a lesson. Every once in a while, a judge will say, 'I want a child to go through this terrible experience

as a way to scare them straight.' All the data says that 'scared straight' through incarceration doesn't work, but still a lot of people want that. Detention in Kentucky is very different than it is in a lot of states — thank God. There are some horrendous systems of detention services in the country. Initially the JDAI was trying to address some of those most horrible places.

Statistics show that a child who comes into detention has an increased likelihood of more contact with the system — even just one contact — even one day, one night locked up. Every time we do that, we multiply that possibility. In essence, we create the offender that we see. The idea is that we have all these other options before detention. Alternatives such as foster care, placements, non-secure placements, emergency shelters, counseling services, evening reporting centers, educational access and family engagement can be put in place before detention. I think the idea of JDAI is to make detention our last option by engaging at every other level before that.

If that is the case, then our reliance on all these facilities with all these beds, becomes less because we would have less people to lock up every day. We can take that money, theoretically over time, and funnel it toward

“There are some exciting things that can happen when we get everybody into the notion that our job is not to lock up bad kids, but to help at-risk or troubled youth find better options.”

more front-end things that will prevent kids from getting so far into our system that we need those beds. If we reduce our numbers, maybe we can limit the number of staff we have in the facility for that purpose. Maybe we repurpose part of the facility for these other programs.

There are some exciting things that can happen when we get everybody into the notion that our job is not to lock up bad kids, but to help at-risk or troubled youth find better options. Depending on how you look at the problem, you get different solutions.

We just became a JDAI site. So we are setting our parameters and figuring out

where we go and where we connect. We made a commitment to doing something different. If it was easy, everybody would do it. It is not easy, but we are going to figure it out and we are going to figure out a way to do it that does not jeopardize safety or our community and doesn't put anyone at a greater risk for harm, and I think we can. But we're going to have to be strategic and creative. It is exciting, and it is a challenge. But we are up for it. 🇺🇸

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▼ Students housed in DJJ facilities continue receiving their education. The strict schedule and focus often allows these students to excel in the classroom in ways they never were able to do in a regular school setting. Maintaining a focus on education is vital to DJJ's mission.

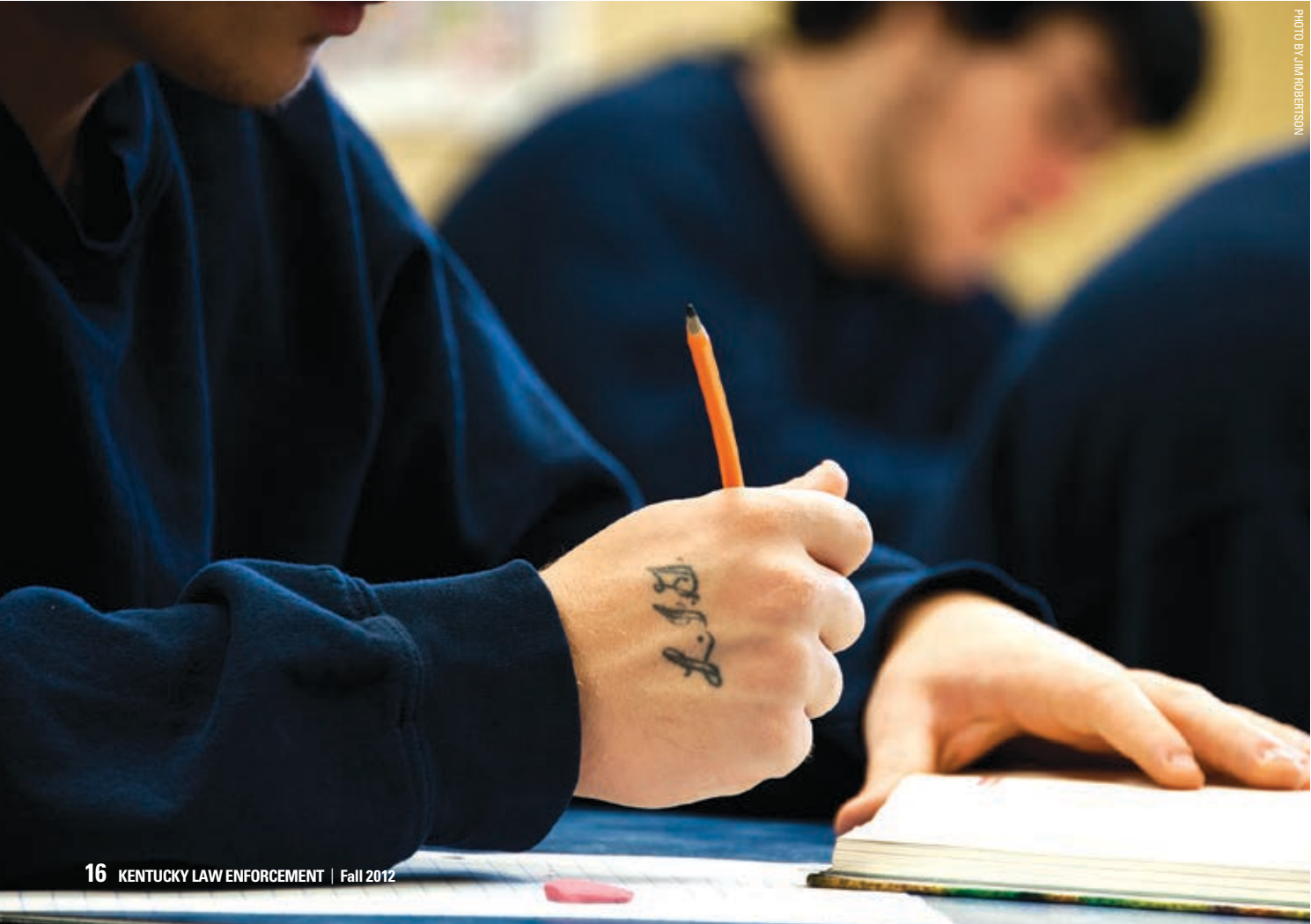


PHOTO BY JIM ROBERTSON



## Levels of DJJ Engagement

DJJ has 35 centers or programs that fall under its heading, including youth development centers, regional detention centers group homes and day-treatment programs. Detention Centers are short term, maximum security detention facilities, primarily for pre-adjudication holding. If offenders are found guilty and committed to DJJ, then they are transferred to another treatment center or group home, or back into the community. DJJ uses a Youth Learning Services assessment to assess risk of youths and also their criminogenic patterns, to evaluate what they need to avert their criminal thinking and change their ways. Based on those two things, DJJ determines where they need to be placed. From detention, they may go to a youth development center, which is an approximately 40-bed, residential, staff-secured facility. In YDCs, youth receive treatment, education, vocational training and programming and prepare to go back home.

**DJJ has five levels of engagement:**  
**Level 5 is maximum security** for those youth who, through their own actions or through a history of systemic behavior, have been proven

to be a threat to themselves, the public or their peers. They need very close supervision. DJJ operates one Level 5 facility in Adair County.

**Level 4 and Level 3 facilities are staff-secured centers** for kids who have committed crimes, and have the ability, on any given day, to be worse or better. Staff-secured means staff continue to monitor and move with the youth, but youths have more freedoms.

**Level 2 is group homes.** Some youth come straight into the DJJ system into group homes because they don't score high on the YLS and are not a real threat. Group homes also are a step down from a YDC. If a youth does well in a YDC for several months, they might step down to a group home, where they are going to school in the community.

**Level 1 is the community and day-treatment schools.** The goal for every youth is to get them back home, or as close to home as possible. There are community workers who work with youth and their families, meeting with them on a weekly or daily basis. Day-treatment schools are not residential. The significant difference is day-treatment schools have counselors on board, allowing the treatment part of what DJJ does to continue. There are six day treatments that DJJ operates completely, and 20 more day-treatment schools that are contracted through the county school systems. ■



# UNIQUE TO KENTUCKY

Asbury students provide one-of-a-kind police mounts training

ABBIE DARST | PROGRAM COORDINATOR

► Asbury Police Mounts Co-Mentor Siobahn Adkins on Maverick, her 5-year-old horse. Meanwhile, Asbury student Nathaniel Brashear softly whacks a foam pool noodle around the horse — teaching him how to stay calm in uncomfortable situations.

A program that started in 2001, the Asbury Police Mounts Program is still one of a kind. The program takes a variety of horses, from weanlings to 2- and 3-year-old horses and transforms them into police-ready horses, able to take on the most difficult situations, crowds and noises they might encounter in their law enforcement careers.

## DEVELOPING A METHOD

Asbury College is the only university in the country training horses for law enforcement service. What makes the program so unique is the students who work with the horses for months and years to ensure they are ready for police service. More than a decade has passed since Siobhan Adkins came to Asbury and began working and learning in the equine program. At that time, there was not much instruction on best methods for training a law enforcement service horse, she said.

“We were told to figure it out and make them not afraid of stuff,” Adkins said about the early days of police-mount training.

Since the college didn’t implement an equine major until 2006, Adkins, who graduated in 2004, completed her degree in elementary education and decided to stay with the equine program to help guide and teach new students with new horses. Putting her education background to use, Adkins began taking notes on what worked and didn’t work in training.

“When I’d find things that didn’t work, I would try to find new things,” Adkins said. “I was very proactive about researching, talking to other trainers, going to clinicians and trying to find all these different tools I could use. Then I would come back and try them. Over the past 10 years, I’ve had the opportunity to work with about 400 horses. Using different training methods with different horses, I’ve been able to find things that work with most horses, which is how we’ve settled on what we’re doing now.”

On the farm, there is an outdoor obstacle course that displays those methods. The course offers numerous impediments and challenges for horses to explore, experience and learn how to handle. As they

step onto teeter-totter-type platforms, climb stairs, walk through the “jungle” of hanging ropes and buckets and get softly whacked with foam swimming pool noodles, the horses learn how to stay calm in the face of obstacles that scare them or make them uncomfortable, Adkins said. Every horse they train goes through the same police mounts-type training and is asked to do all the obstacles before trainers try to put him under saddle. Because of rigorous and consistent training, of the past 35 horses students have trained and put under saddle, only one has bucked the first time being ridden, Adkins said.

“It just shows that when a horse is given the opportunity to trust, it doesn’t have to be a traumatic experience when someone rides him for the first time,” she said. “It doesn’t have to be a fight. [Our students] might stop their horse from doing something and ask him to do it again because he may be doing it aggressively, and we want him to do it calmly.

“The goal is to keep it as friendly an environment for learning as we can,” Adkins continued. “We reward positive behaviors and if there is negative behavior, we ask [the horse] to do it again until he does it >>

▼ Second year Asbury student, Libby Vandervennet covers her horse with hula hoops covered in crime-scene tape to teach the horse how to cope with unusual and frightening objects coming into contact with his body.





“We are training horses for a career, not just training them to sell. We care about the careers they are going into and we care about them being successful.”

▼ This “jungle” of light-weight balls, baskets and ropes are used to teach police-mount horses in training how to walk through crowded areas where people may be bumping and nudging them — a situation that usually makes a horse jumpy and nervous.

>> right. We want them to stop and think and walk quietly through. It keeps them and the rider safe.”

These characteristics make these horses exceptional choices for law enforcement service. They are trained to deal with difficult encounters and situations that frighten them the most, just like law enforcement officers are trained to do. However, the training doesn’t mean the horses will never get scared, because they still are animals, Adkins said.

“Even the most seasoned officer still can get scared in a situation when things get out of hand,” she explained. “But how we train the horses teaches them the skills they need to get through it and not lose their minds over it. It’s like basic training for a soldier. Will it really prepare them for when someone is shooting at them? Well, yes and no, as much as you can train anyone or anything for the worst.”

#### ‘NOBODY IS DOING IT THE WAY WE ARE’

Currently, Asbury has 18 students learning how to train police mounts. Having students help train horses lessens the costs involved in providing well-trained police horses to agencies across the country, because students donate their time and energy to the program.

“Part of what they are getting paid with is experience,” Adkins said. “They are getting to do something that no other student in the United States is doing.”

There’s really no money to be made in selling police horses. Though horses trained through Asbury’s program can be sold for more than \$20,000 for sport horses, Asbury offers at least a 50 percent discount to law enforcement agencies, asking only between \$5,000 and \$10,000 for a police-trained horse.

“We don’t do it for the money,” Adkins said. ‘Nobody is doing it the way we are.’

We’re the only university training police mounts. The only reason we sell them at all is because we have to recoup some of the cost we put in, to buy new horses.

“We are training horses for a career, not just training them to sell,” she added. “We care about the careers they are going into and we care about them being successful. Just like our students, we are training for careers.”

But students working with the program also are learning more than just how to work with horses. Asbury’s program focuses on equipping horses for service, not show, like other university equine programs.

“We encourage students how to use horses to minister to people and benefit people,” Adkins said. “The police program is one of those ways. These horses are going to be service animals to benefit people. That’s what makes our college unique from other schools.



For more information on Asbury’s Police Mounts program, visit the website at <http://www.asburypolicemounts.org> or scan this QR code with your smart phone.

“Other schools are focused on making money and showing off, and it’s all about that person and the glory they can get,” she continued. “But we’re not looking to bring glory to ourselves or even to the horse. We are looking to bring glory to God through the horse, and how we can use the horse to benefit others. It changes your focus when looking at it like that instead of what can you can get out of it.”

With this focus securely in place, Asbury has successfully placed about 10 horses in law enforcement mounted units across the nation, including two close to home in Kentucky. They are currently training two 3-year-old wild Mustangs for the U.S. Border Patrol, and have eight yearlings, or 1-year-old horses, they are preparing to eventually take on careers in law enforcement service. Adkins and her sister and co-mentor Stephanie Keeley’s enthusiasms and compassion have helped turn out professional, calm and hard-working horses for years. Their drive for excellence is handed down to every student who enters the program, ensuring these student-trained horses can be affordably obtained by any interested agency. 🐾

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◀ Asbury student Nathaniel Brashear leads police mount Maverick through a practice obstacle course as part of his training. Dealing with complicated situations is part of any law enforcement officer’s job, and a mounted officer’s horse needs to be trained on how to be quick and agile when dealing with difficult people in threatening situations.



PHOTO BY JIM ROBERTSON



PHOTO BY JIM ROBERTSON



# Fort Thomas Finds Purpose in Tradition of Community Service

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

**G**athered around a roughly 4-foot hole of rich earth, a handful of middle school students dug carefully through rocks and trash, anxiously awaiting the stench of death.

With each slow thrust of the shovel, the students listened closely to instruction from officers, reminding them to keep their tennis shoes out of the crime scene and to pay attention to every detail that might become a clue.

Up the hill, other students of Fort Thomas Police Department's CSI camp pulled on latex gloves, white-protective gowns, eye-goggles, hair nets and shoe covers in preparation for the blood tent. Inside the tent, dark, red blood dripped from the walls after each camper took a whack or two at the pig's-blood-filled sponge, demonstrating how officers use and understand blood spatter in crime-scene investigations.

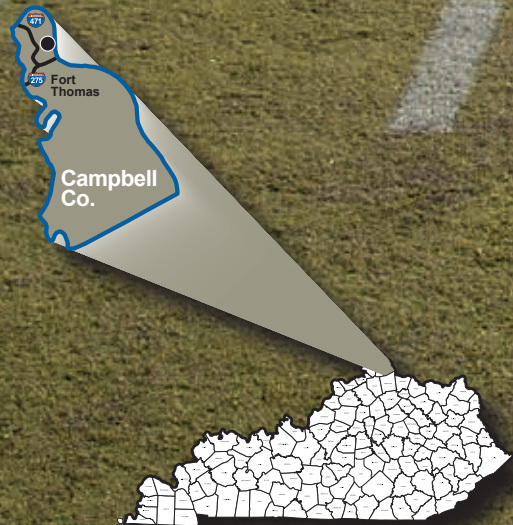
For the students, the camp is a chance to get messy, learn something out of the ordinary and sometimes even begin thinking about a future career in law enforcement. For the officers, it's just another day in a department focused almost entirely on a culture of service.

"The CSI camp — oh my gosh," said Fort Thomas Lt. Ken Fecher. "That thing has just gone big. It has become such a great partnership with the school system here in Fort Thomas. They could do two a year. My son has done it, and his best friend did it twice. They said it is fun, they like interacting with our guys, and some of our best people-persons work that event, so it really helps."

Officer Will Hunt, who formerly served the agency as the community resource officer, is one of Fort Thomas' officers who puts on the one-week camp for the community's middle school students. Hunt said working the camp is a great opportunity to reach out to the kids.

"They do everything," Hunt said. "Beyond blood and finger prints and a dig, they're doing check fraud. They're doing hand-writing analysis, entomology with insects, DNA. We bring in DNA samples and take them into a dark room and show them how they fluorescent under an alternate light source. And they get so grossed out by that. It's fun. I've done it every year, and I love it."

The CSI camp is one of many, many programs the officers at Fort Thomas >>







When middle school-aged youth sign up to participate in the Fort Thomas Police Department's CSI camp, they may not expect to get covered in fingerprinting powder or dirty, unearthed investigative clues. But for most, it's an exciting part of the hands-on camp that engages students with local officers.

PHOTO BY JIM ROBERTSON

>> take on each year. From Rape Aggression Defense training and a Citizens' Police Academy to Volunteers in Police Service and Neighborhood Focus, Chief Mike Daly said the agency works together to make it happen.

"Everyone has certain strong points that suit them well for particular events," he said. "As a police department, we definitely try to tap into a person's strong attributes that are going to make us successful with that event. That is what really keeps us going."

With a force of 23 sworn officers and one police clerk, Daly said Fort Thomas benefits from a statistically-low crime rate. Calls for service fluctuate, but also typically are low on a day-to-day basis.

"We are blessed in that way because it allows us to be proactive," Daly said.

Spending less time chasing bad guys means there is more time to encourage a philosophy that flips traditional policing on its head.

"Another chief gave me a line I thought was wonderful," Fecher said. "When you call out on a call, officers will say, 'I'm out on a call,' technically they are out of service. No, really, that's when they are IN service. As soon as they call back in service, they are out of service. They are back in their car, really doing nothing but waiting for the next call. And that is the time we want them to go seek to be in service some more. Drive that car around instead of sitting in a parking lot all day staring at the wind hoping the day ends."

The Neighborhood Focus program is a key opportunity for officers to be in service, Fecher said.

As part of the program, the city was divided into zones to make officers responsible for a puzzle piece of the city, Daly said. The program is in the process of being revamped to improve citizens' accessibility to officers in their neighborhood, whether that is through stopping in to have lunch at one of the local schools or visiting a church on Sunday morning.

"Go to the hospital," Fecher said. "Walk through the ER. Why? Because you can. Not because you're needed or you've been summoned. But to show people that you're there for other reasons. That you have a general interest in them. That philosophy is spiraling bigger and bigger. It just takes time to get that into their mentality.

"We preach it — feed it to them constantly," Fecher continued. "Remember: you could, you can, you need to, don't be shy."

One of Fecher's favorite outreach opportunities is telling officers to get out of the car in a neighborhood and just walk to the end of the street.

"The officers say, 'Well, what do I do?'" Fecher said. "Just walk down, turn the corner at the bottom and come back up. Now, in Fort Thomas, you're not going to make that second turn and come back up without somebody outside who is in their yard or with their kids seeing you and saying, 'Is everything OK?' There's your in. 'Everything is fine, this is my neighborhood focus, I'm just out getting a better feel for the area. How are you today? I'm Officer ...,' and from there, the dialog begins."

## REPORTS

Along with community and service, Fort Thomas has a few other expressions that define the focus of the agency. Among them are tradition, legacy, culture and history. A key part of this attitude is found in the agency's annual and monthly reports.

"We think it's very important to be able to go up to the council meeting with the police department monthly report and be able to present a very thorough report to the city administrator, mayor, council members and citizens," Daly said. "Being open to the community, there is nothing that we are hiding or holding back. It's all there."

The reports have been a tradition in the making for several years, dating back to former chief and current Kentucky Association of Chiefs of Police Executive Director Mike Bischoff.

Instead of simply listing statistics about speeding tickets written or DUI arrests made, the reports list information about what is going on in the agency and the community. The reports also are good recruitment tools. [To view the agency's



◀ Scan this QR code with your smart phone to access the Fort Thomas Police Department's annual reports or visit <http://www.ftthomas.org/Police/AnnualReport.html>

reports, scan the QR code at the bottom of this page with your smart phone or visit <http://www.ftthomas.org/Police/AnnualReport.html>] Daly said he usually can tell when an applicant has done his or her homework and read through the reports — because those applicants understand the philosophy Fort Thomas embraces.

"Their interviews clearly speak to what it is we desire in a new police officer," Daly said. "Those who do not review the reports all too often provide stereotypical answers that do not speak to our community-minded goal as a police department."

Fecher agreed, noting that the reports are published and preserved with the Fort Thomas Library, Campbell County Historical Society and Fort Thomas Business Association.

"It's a nice legacy, history book of everything positive that we've done — everything we've tried to do progressively," he said.

▼ The students participating in Fort Thomas Police Department's CSI camp learn a variety of skills, such as using plaster to make molds of sunken prints (lower left), and how to properly dig out a carcass that has been buried in a crime (lower right).

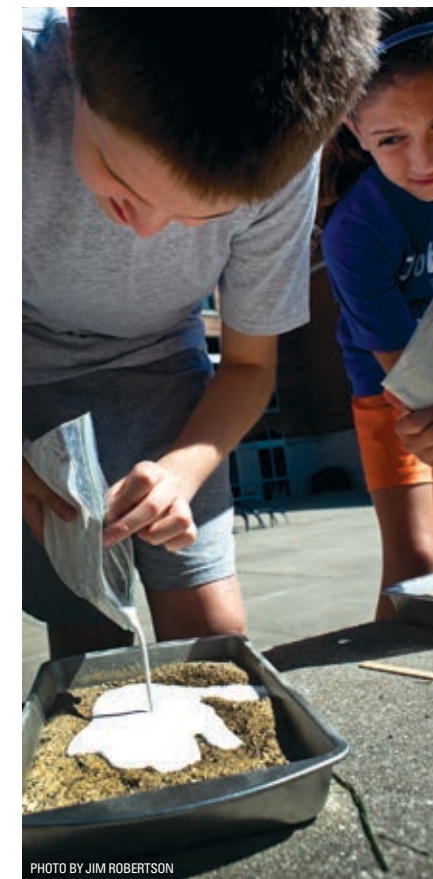


PHOTO BY JIM ROBERTSON

The reports are just another part of developing a culture of community. With a laugh, Fecher admitted his affinity for his Mayberry-like community — and with it, his appreciation for the Andy Griffith-type officer.

"My number one role model in law enforcement is Andy Griffith," he said. "Not because of the show, but because of who he was. That's the kind of guy we're looking for. The guy who is connected out here — everybody knows him. He is approachable. People can walk up to the guy and say, 'Hey, let me ask you a question. I didn't want to call dispatch, but ... .' Some of these guys find that and really work it. And sometimes, things evolve from that. We find out facts, like their neighbor is actually growing marijuana in the back field. That's what we're looking for. And we're getting it more and more." 🇺🇸

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PHOTO BY JIM ROBERTSON



# EXTREME

# INMATE

Know your extremists,  
know how to prosecute them

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

**A** crisp wind whipped through the rebel and Nazi flags hoisted high in the air by battle-clad men and women, seizing their opportunity to sermonize, denigrate and rebuke. Draping Kentucky's Capitol steps beneath white, pointed hoods and shields bearing swastikas, they shouted, chanted and proudly saluted their idol.

"Heil Hitler! Heil Hitler! Heil Hitler!"

Nearby, an angry crowd of onlookers rang out in protest. Some held Bibles high in the air, children held dissenting signs with retaliations like, "Half-white, half-Mexican = American." Others held middle fingers as they hurled injurious slurs at the self-proclaimed patriots.

"Illegal immigration is unchecked and is a serious issue that we have to tackle in this country," said Jeff Schoep, commander of the National Socialist Movement, from atop the Capitol steps. "All Americans are concerned about it. Americans of all races and backgrounds. This affects all of us."

But he didn't stop there.

▼ With hatred on their tongues and dissent in their cries, a clan of National Socialist Movement members rang out from the Kentucky Capitol steps in support of Adolf Hitler, white supremacy and an end to immigration of non-white races. The group was joined by other groups with similar interests — like the modern members of the Ku Klux Klan pictured far right in their pointy-hooded robes and blood-red flags.

"And for you communists and degenerates out there — the small, handful of you out there protesting us — we'd ask you to close your mouths, open your minds and your ears and actually listen to what we have to say," Schoep continued. "The NSM is not about hate. We're not about holding anybody down or killing people or violence. We're not a hate group. We're a white civil rights organization. We're about lifting up the American people — upholding the American dream. Something that all Americans should be concerned about."

That dream includes the promotion of white separation from other races in an effort, allegedly, to "preserve European culture and strengthen family values of non-Semitic heterosexuals of European lineage," according to the NSM mission statement.

The National Socialist Movement is one of the fastest growing, white-power organizations in the country. Marches like the one they led on Frankfort this spring are their cup of tea — traveling the country to spread the word about their mission. It is a mission drenched in 1930s-era Nazi propaganda, rancor and theatrics.

According to the Southern Poverty Law Center, the NSM is one of 14 activist groups recognized in Kentucky as an extremist hate group. It's a label Schoep renounces.

"We really don't appreciate that," he said in an interview, following his speech. "We're not about hate, we're not white supremacists, we're not racist. I don't like any of those terms. What it boils down to is that we're not out there calling people names.... That's not what we're about. We're about upholding white rights and white interests."

## LEARNING THE LANGUAGE

The ideology of Kentucky's activist groups vary widely, yet often overlap. The White Revolution, Imperial Klans of America, League of the South and Skinheads all support segregation of white Americans from other cultures and heritages, while the New Black Panther Party also demands its own state or country apart from other races. The American Third Position and National Socialist Movements both consider themselves political parties with high-reaching aspirations.

Some followers of these groups also identify religiously with the Christian Identity group, which promotes a revisionist version of the Bible, including claims of Jews as Satan's spawns and an Armageddon of races.

(For the SPLC's complete list of Kentucky activist groups and defining characteristics, see p. 31.)

Meanwhile, activists such as the Sovereign Citizens have slowly climbed to the top of many law enforcement radars following the murder of two West Memphis, Ark. officers in 2010. The Federal Bureau of Investigation now lists the group as a top domestic terror threat, based in part on Sovereigns' belief that they are above the law.

In the White House Strategy, "Empowering Local Partners to Prevent Violent Extremism in the United States," the importance of law enforcement is clearly laid out in the necessary means to fight against violent extremist groups. The first step in defending against these groups often is educating yourself about who you might be up against on the street.

## WHAT YOU SEE MAY NOT BE WHAT YOU GET

Schoep vehemently denies that the NSM participates in violence.

"Who in our group has been pursuing violence?" he asked. "We have articles on our website where we don't encourage violence. >>



◀ Jeff Schoep, commander of the National Socialist Movement, led the march on Frankfort as he does across the country. Based in Michigan, the organization travels the nation to rally the people and spread their cause.





# Sovereign Citizens Tips for Law Enforcement

— from the Southern Poverty Law Center

Unfortunately for law enforcement, self-described “sovereign citizens” don’t come with a warning label. In the past, most sovereigns were white supremacists organized into small groups that typically all used the same “private” license plate instead of legal tags. Today, while that is sometimes still true, the ideology of the sovereign citizen movement has spread to the point where adherents hail from any race and are found throughout the nation. And they do not all necessarily carry fake license plates or bear other obvious markers. Still, there are common traits for which law enforcement officers can and should be on the alert. They include:

- License plates with oddball names like “Kingdom of Heaven” and “Little Shell Pembina Band,” which is a fake Indian tribe that runs a redemption scam. The FBI has a brochure available for law enforcement agencies that includes pictures of a variety of sovereign plates.
- Anti-government bumper stickers.
- Unusual use of outdated language. A simple question like, “Where are you headed?” may get you a response along the lines of, “I am a free man, traveling upon the land.”
- An arrogant or belligerent attitude. Sovereigns believe they have secret knowledge about a complex government conspiracy that most Americans, including law enforcement officials, are too stupid to comprehend.
- Anti-Federal Reserve or banking comments. Even though all you are discussing is a driver’s license, registration tags or traffic infractions, anger toward other government agencies such as FEMA, EPA, U.S. Post Office and the Census Bureau is common.
- Unsolicited anti-Semitic comments, either outright or veiled.
- Odd punctuation of names, typically involving colons and hyphens.
- The absence of a zip code in adherents’ addresses (sometimes, the zip code is present, but placed in brackets).

“My officers, Bill and my son Brandon, didn’t realize that there are people at war with this country that are not international terrorists. Maybe if Brandon and Bill had been able to recognize the warning signs of sovereign beliefs they’d be alive today.”

— *West Memphis (Ark.) Police Chief Bob Paudert, whose officers Brandon Paudert and Bill Evans were shot and killed by a father and son team of Sovereign Citizens during a traffic stop.* ■

>> We want people to do things the legal way. In America, we still have the freedom of speech and expression. We still have the ability to get out and do these things, so there is really no reason for us to want to be involved in anything violent or illegal. We have to distance ourselves from that.”

Yet, during Schoep’s speech on the state Capitol steps just a few moments earlier, he alluded to an incident in which NSM members took on disbelieving protesters in what they argue was an act of defense.

“Last year in Trenton, we found the communists in the streets,” Schoep announced through loud speakers to the crowd. “They found out what it’s like to face the NSM when the police aren’t there. And we beat them down in the streets. Their commie scum showed up with weapons to fight us, with hammers, with clubs, with bottles and sticks. The NSM beat this scum back with chairs and fists.”

In fact, the NSM highlights the event on the same website on which Schoep refers law enforcement to read about the group’s non-violent policies. (See QR code below). In his editorial about the event, Schoep writes, “Our motto for such altercations is ‘Start nothing, finish everything!’”

Below Schoep’s editorial is another member’s recollection of the event, entitled, “Street fighting is what we do.”

Member Sergei Milankovic’s report details that, “I saw the rest of the fight erupt, right in front of a passing car. It was on! I ran full out towards a bubbling fat man and nailed him solid in the temple. Commander Schoep came in right beside me and slammed a folding chair down on either him or someone nearby — I’m unsure, but I heard it hit and heard one of them cry out. I stole a quick glance to my right to see the commander catch a full blast of pepper spray in the face. By this time, the others (names withheld) had sent the antis running back toward the end of the street. I took off after them down the sidewalk ....”

Practicing what he preaches has rarely been important to NSM Commander



◀ Scan this QR code or visit [http://www.nsm88.org/reports/Nationals\\_NJ\\_2011.htm](http://www.nsm88.org/reports/Nationals_NJ_2011.htm) to read about NMS’s policies.

Schoep, who suffered humiliation among his followers when it was discovered he was the step-father of multi-racial children. Because the organization of activist groups often is muddled by changes in leaders and off-shoots with varying beliefs, common police practices like community-oriented policing and intelligence-led policing are effective tools in keeping up with these groups’ activities, plans and ideology.

Developing partnerships in prosecution of these crimes also is imperative.

## PURSuing THE PREJUDICED

Pursuing an understanding of the extremist groups in your community is an effective way to be prepared in the event of an activism-related incident. U.S. Attorney for the Eastern District of Kentucky Kerry Harvey encourages officers to get to know the community activists might discriminate against, too.

Civil rights are a priority of Harvey’s administration, and something of which he believes the U.S. Attorney’s office needs to be a part in a “big way,” he said. Harvey’s office began in 2011 pursuing a civil rights initiative that placed the emphasis on a proactive relationship with communities within the district which might suffer persecution. These are not only communities that deal with aggressive activists, but all hate mongers.

“We really tried to engage the broader community to let them know that not only

“Having a good understanding of civil rights and hate crimes laws also is a crucial part of the puzzle ...”

our office, but all of our federal partners are very committed to civil rights enforcement,” Harvey said. “Particularly the FBI. We are committed to the proposition that all Americans will have full access to their civil rights, and we will stand up for them when that doesn’t happen.”

As part of this outreach effort, Harvey said his office seeks to make citizens aware of what services are available to them and what the U.S. Attorney’s office can offer them.

“We try to solicit from these folks any particular problems they might be having and what we could do to be more effective,” he said. “For example, with the Arab Muslim community, so much is just building bridges, establishing a level of trust, avoiding misunderstandings. I really couldn’t pay high enough tribute to the folks who work in this office, who have undertaken to accomplish these goals. This really is a collateral duty for these folks.”

Having a good understanding of civil rights and hate crimes laws also is a crucial part of the puzzle, especially in light of a

recent federal law which may send offenders to prison with significantly-lengthier sentences.

“We have tried to educate state and local law enforcement officers as well as state prosecutors about the nuts and bolts of the hate-crimes laws, so they would be more likely to recognize violations when they see those and get federal agencies involved when appropriate,” Harvey said. “I was a county attorney and a state prosecutor a long time ago, back in the 80s and 90s. If you saw an act of violence, you most likely just thought, ‘That’s an assault case.’ So we want to make sure that our prosecutors and law enforcement partners are aware of the whole range of remedies that are available.”

## NOT JUST ABOUT SKIN COLOR

Hate takes many forms, and Harvey’s office currently is at the crux of testing the sexual orientation subsection of a new federal hate-crimes law, which formally is referred to as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Assistant U.S. Attorney Hydee Hawkins is prosecuting the first case in the nation with charges under the act in response to an alleged physical assault on a Harlan County teen. Jason Jenkins, 38, and Anthony Jenkins, 21, are awaiting trial for allegedly attacking Kevin Pennington because they believed he was gay.

According to the criminal complaint, brother and sister Anthony and Ashley Jenkins, 21, drove together with Jason (their cousin) and Anthony’s wife of only a few weeks, Alexis Jenkins, also 21, to Pennington’s home in Harlan County in April 2011.

“They all grew up together, and it was widely known to the community that >>

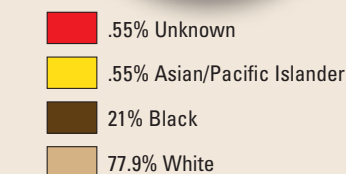
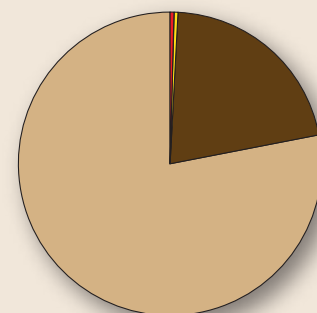


PHOTO FROM NSM WEBSITE

◀ On its website, the National Socialist Movement proudly features photos of its activities like this one — the burning of a swastika during a gathering. The gallery of photos, available at <http://gallery.nsm88.org/>, gives a glimpse inside the private and public activities of this group.



## 2011 HATE BIAS CRIME OFFENDERS BY RACE



which currently are under seal. Anthony and Jason are expected to go to trial in October. Initially the case was being pursued in state court until Kentucky Equality Federation President Jordan Palmer contacted federal authorities.

"This case, honestly, has brought an awareness," Hawkins said. "Before we received information about this case through the Equality Federation, we already were going out into communities in eastern Kentucky ... setting up meetings with local law enforcement and prosecutors and taking cards with the elements of this statute. It is kind of a sad situation. Nobody really knew about this statute."

### KNOW THE STATUTE

The significance of pursuing justice for Pennington in federal court under the new law is that, if convicted, Jason and Anthony Jenkins are facing a minimum 10-year federal prison sentence — of which at least 85 percent must be served. If convicted in state court, the Jenkins' could have received misdemeanor sentences.



◀ Follow this QR code with your smart phone to read more details about the federal hate crimes prevention act, or go to: <http://www.justice.gov/crt/about/crm/matthewshepard.php>.

There are a few important things to note in pursuing a federal hate crime prosecution under this act. One of the most important issues is that the reason for the discrimination does not have to be true. For example, if the Jenkins' had pursued Pennington as it is alleged and he later was determined to be heterosexual, the case would still stand if evidence showed that the crime was committed because the assailants believed him to be gay. According to the FBI interpretation, "This new federal civil rights law criminalizes willfully causing bodily injury (or attempting to do so with fire, a firearm or other dangerous weapon) when the crime was committed because of the actual or perceived race, color, religion or national origin, of any person."

Additionally, Hawkins noted that the act opened up the range of locations and situations under which a hate crime could be federally prosecuted. Prior to the act's passage, a victim had to be enjoying a federally-protected activity such as swimming in a public pool, or had to be on federally-protected land, such as a national forest. That is no longer the case. Now, the attack can take place anywhere as long as investigators and prosecutors show an interstate nexus to pursue the case federally. That could be a gun, knife, or in the Jenkins' case, a steel-toed boot that was produced outside of Kentucky's borders.

"I would say, if [officers] have any sort of assault, any sort of threatening using a deadly weapon or some sort of physical assault — it doesn't have to be serious — if it has to do with disability or gender, or any of those protected rights, they should definitely call someone from the FBI," Hawkins said. "Get details. Why did you do this to him? Did you know he was gay? Investigators interviewing witnesses and suspects need to ask a lot of questions about motive. Maybe it has nothing to do with that. A fight could include a black person, but it might not be over race. You need to ask those questions immediately. The biggest thing is that [the injury] could be a bruise."

"Hopefully this statute will have some kind of deterrent effect," Hawkins continued. "Hopefully it will send a message out there to make people think twice about singling people out because of their differences." 🐾

# HATE

## ACROSS THE STATE

### Kentucky's leading extremist groups

The Southern Poverty Law Center has identified 14 hate groups across the commonwealth that were active as of 2011. According to the site, "Hate group activities can include criminal acts, marches, rallies, speeches, meetings, leafleting or publishing. Websites appearing to be merely the work of a single individual, rather than the publication of a group, are not included in this list."

Below is a listing of Kentucky's groups and identifying characteristics provided by the SPLC.

#### WHITE REVOLUTION

*"Always remember that it is up to us to save our race, no one else is going to do it for us! Revolution is not a spectator sport."*  
— The White Revolution Website

- Identified members in Louisville, Ky.
- Established as a neo-nazi organization
- Founded in 2002
- Known to be violent and hostile
- Organized by Billy Roper in Arkansas
- Strives to be the most radical — yet legal — pro-white organization involved in public activism
- Stopped recruitment efforts in 2011 in an effort to "reorganize" due to the group's minimal success
- Focused increasingly on the alleged evils of non-white immigration into the United States



#### IMPERIAL KLANS OF AMERICA

([www.kkkk.net](http://www.kkkk.net))  
*"We believe the White, Anglo Saxon, Germanic and kindred people to be God's true, literal children of Israel."*  
— IKA Publication

- Housed the group's compound headquarters about two miles outside of Dawson Springs, Ky.

- Identified previously as the second-largest Ku Klux Klan group in the nation
- Organized by "Imperial Wizard" Ron Edwards
- Conducts an annual hate-rock music festival, Nordic Fest, in Dawson Springs including cross and swastika lightings
- Sought to raise fears of privacy violations and bans on white couples by a future Muslim president
- Predicts the end of the white race by the year 2100
- Are conspiracy theorists
- Derived beliefs from the Christian Identity Group
- Handed a \$2.5 million judgment by jury in 2008 against Edwards and the group following the beating of a Latino man at a Meade County fair
- Appointed Jim Walters of Nancy, Ky. the organization's new leader, after Edwards' resignation
- Identified by the SPLC, other Klan groups in Kentucky are the Rebel Brigade Knights of the Ku Klux Klan, Ku Klos Knights of the Ku Klux Klan, the True Invisible Empire Traditionalist American Knights of the Ku Klux Klan and the United Knights of Tennessee Order of the Ku Klux Klan



#### NEW BLACK PANTHER PARTY

*"There are no good crackers, and if you find one, kill him before he changes."*  
— The Late Party Chairman Khalid Abdul Muhammad

- Identified members in Louisville, Ky.
- Became active in 1990
- Rejected by the black panthers of the 1960s and 70s as a right-wing, racist, hate group
- Encourage violence against whites, Jews and law enforcement
- Engage in armed protest of alleged police brutality
- Promote violence against women and children
- Believe they are entitled to reparations from slavery
- Demand a country or state of their own with their own laws separate from the United States >>





- >>
- Want all black prisoners released to be dealt with by them under their own law
  - Put a bounty on the neighborhood watch volunteer George Zimmerman after the shooting of black, Florida teen, Trayvon Martin
  - Blame Jews for the Sept. 11 attacks on New York City

### LEAGUE OF THE SOUTH

(dixienet.org)  
“Somebody needs to say a good word for slavery. Where in the world are the negroes better off today than in America?”

— League of The South Board Member Jack Kershaw



- Identified members in Lexington, Ky.
- Launched in 1994
- Founded originally by professors with doctorate degrees
- Led by Michael Hill, a former college professor
- Hope to accomplish mission the Civil Ward did not — secession from the north
- Believe the nation should be run by the white elite
- Attracted members with academics
- Denounce the federal government
- Believe ethnocentrism is “healthy and biblical”
- Written by conservative history professor Grady McWhiney, their foundational text is called, “Cracker Culture”
- Grew to 15,000 members until a mass exodus in 2001 after leaders claimed the Sept. 1 attacks were “deserved”
- Became radical, though not initially labeled as a hate group
- Speak against interracial marriage
- Defend antebellum slavery as “God-ordained”

### CHRISTIAN IDENTITY GROUP

(kinsmanredeemer.com, fgcp.org)  
“The good news of the gospel is that Christianity pertains exclusively to the white race and that the white race is the true Israel of scriptures and therefore God’s chosen people. Today’s Jews are descendants of Esau and are the enemies of God.”

— Alexandria Pastor Mark Downey of Kinsman Redeemer Ministries

- Identified members in Union and Alexandria, Ky.
- Identified Kentucky groups are the Fellowship of God’s Covenant People and Kinsman Redeemer Ministries
- Began developing as early as the 1800s as British-Israelism
- Found the height of power during the 1980s
- Linked closely to and are the basis of theology for many groups in the racist right
- Listed as one of the strangest hate groups among the SPLC’s findings
- Follow a revisionist theory of Genesis — particularly the fall of Adam and Eve in the bible. Argue that there were two seed lines, that of Adam and Eve — the white race — and that of Eve and Satan, which spawned the Jews.
- Believes the end times will come as a battle between races
- Believed not to be inherently violent
- Fragmented, especially in variability of the practice with little interest in ritual or ceremonial components of the movement.
- Identified as concerns are two Christian Identity groups known as The Order (or the Silent Brotherhood) and The Covenant, Sword and Arm of the Lord
- The Order constructed a clandestine insurgent group to provoke a race war and bring down the federal government. Only active for one year, the group committed crimes including counterfeiting, a synagogue bombing, an armored car robbery and an assassination.
- The Covenant, Sword and Arm of the Lord’s members were transformed into a military-trained and fortified organization preparing for race war. The group was largely eradicated when it was raided by the FBI for serious firearms violations.



### SOVEREIGN CITIZENS

(www.sovereign-citizenship.net)  
“Sovereigns believe that if they can find just the right combination of words, punctuation, paper, ink color and timing, they can have anything they want

— *freedom from taxes; unlimited wealth; and life without licenses, fees or laws, are all just a few strangely worded documents away. It’s the modern-day equivalent of ‘abracadabra.’*”  
— SPLC

- Listed by the FBI as a top domestic-terror threat
- Believe they don’t have to pay taxes, carry a driver’s license or a social security card
- Estimated that there are more than 300,000 nationwide, but identifying the number of followers is difficult because of a lack of organization or leaders
- Believe they are above the law
- Dates back to the racist Posse Comitatus group of the 1970s and Montana Freemen of the 1990s
- Willing to die and kill for what they believe
- Are paranoid conspiracy theorists
- Killed six law enforcement officers since 2,000, including two widely-publicized murders in West Memphis, Ark.
- Believe in the Redemption Theory that U.S. citizens are collateral of the government and concoct plans to extort money from the U.S. Treasury

### RACIST SKINHEADS

(swa43.com, www.aryanterrorbrigade.com)  
“Because the beauty of the White Aryan women must not perish from the earth.”  
— White Separatist David Lane, who died in prison for his part in a Jewish assassination.

- Identified Kentucky groups are the Aryan Terror Brigade and Supreme White Alliance
- Began as a seemingly rebellious youth subculture
- Known for racist violence ranging from vandalism to murder
- Have created a world of slang and symbols to represent types of activities and loyalties
- Favor steel-toed boots for assaulting victims and kicking and beating them with the boots, referred to as “boot parties”
- Have taken their “boot parties” to the Internet as a recruitment tool

- Employ lacing techniques and colors to identify white power (white laces) and blood shed (red laces) for the cause in horizontal straight lines
- Use the numbers 14/88 as a white-supremacist code. The number 14 stands for the 14-word slogan of Jewish-assassin David Lane which states, “We must secure the existence of our people and a future for white children.” The number 88 identifies the letter H as the eighth letter of the alphabet and means “Heil Hitler”
- Respond to most law enforcement and media inquiries with “I have nothing to say.”

### AMERICAN THIRD POSITION

(american3rdposition.com)  
“There’s a great overlap in patriot activities and Patriot causes, and we have, we will have a big effect on this much larger movement ... we’ll be pulling them from the right.”  
— Jamie Kelso, A3P director

- Well-funded and highly organized
- Describes itself as “both a political party and activist organization dedicated to the interests vital to the preservation and continuity of ethnic European communities within the United States of America.”
- Based in Las Vegas, Nev. with national

offices listed in North Dakota, New Jersey, West Virginia, New York, Florida, California and Tennessee.

- List an international office in Croatia
- Led by a team of mostly lawyers and professors
- Promotes Merlin Miller as a 2012 presidential candidate
- Use carefully-coded language to indicate ties with white supremacists, attempting to be radical enough for neo-nazis while moderate enough for mainstream voters
- Lists the following quote on Miller’s campaign website: “We must pursue truth, justice and liberty if we are to safeguard a future for our progeny, and restore the inspirational greatness of our constitutional republic. My campaign and the promotion of A3P’s platform offer our best hope for this endeavor.”
- The SPLC notes that Miller’s campaign statement is strikingly similar to the Skinheads’ 14-word slogan about safeguarding the children’s future.

### NATIONAL SOCIALIST MOVEMENT

(nsm88.org)  
“When you take a German Shepherd and mix him with a Golden Retriever, you have a worthless animal that nobody wants and that isn’t worth anything if you’re trying to breed him or sell him. ... These degenerates

that allow their children to race mix and this sort of thing, they’re destroying the bloodlines of both races.”  
— NSM commander Jeff Schoep

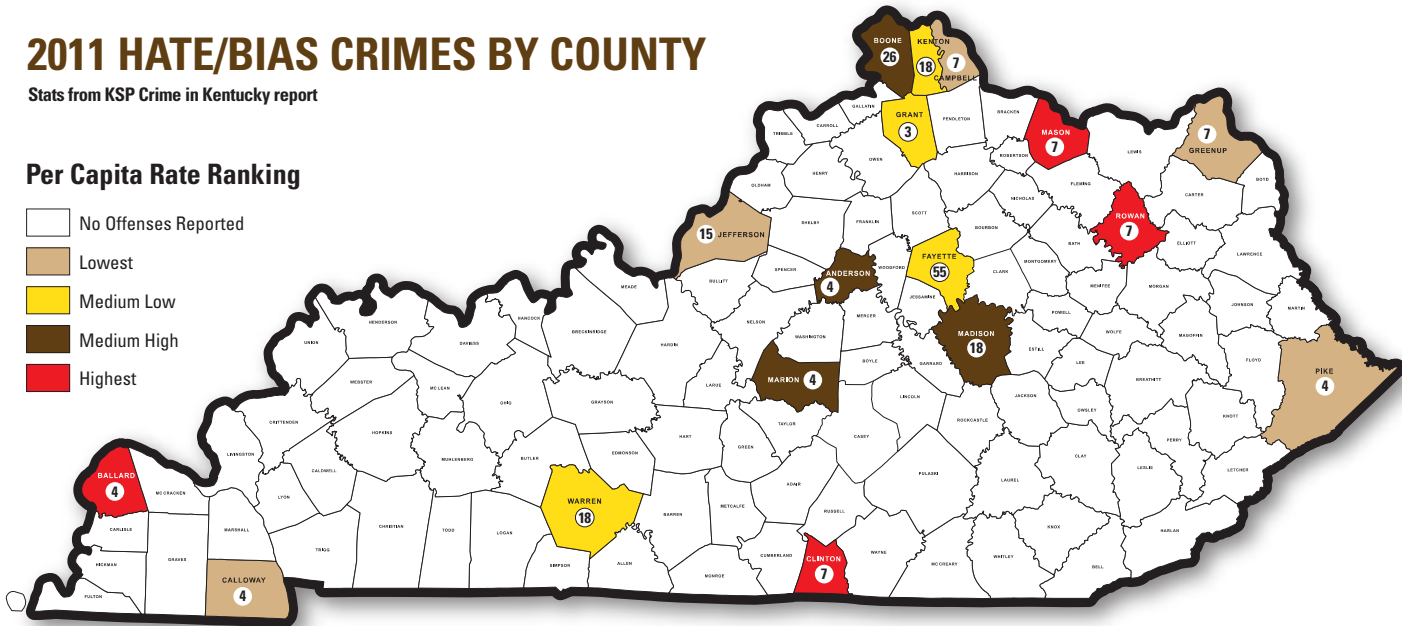
- Has roots in the original American Nazi Party founded in 1959
- Passed leadership to Jeff Schoep in 1994
- Is one of the largest neo-Nazi organizations in the country
- Makes its presence known with theatrical street actions in Nazi garb
- Allows open-arms recruiting for members of other white supremacist groups
- Employs a special unit called Viking Youth Corps focused on recruiting teens and another for women and skinheads
- Has its own hate rock music label, NSM88 Records
- Idolizes Adolf Hitler
- Argues that only heterosexual, pure-blood whites should be allowed U.S. citizenship
- Struggled with embarrassing setbacks, including revelations that leaders had family members with non-white or mixed-race heritages
- Target immigrants and arm themselves with pistols and high-powered rifles to lead patrols through the desert and attempt to keep illegal immigrants from border crossing. 🇺🇸

## 2011 HATE/BIAS CRIMES BY COUNTY

Stats from KSP Crime in Kentucky report

### Per Capita Rate Ranking

- No Offenses Reported
- Lowest
- Medium Low
- Medium High
- Highest





# BLOWN AWAY

Kentucky's spring tornadoes  
challenge local law enforcement

KELLY FOREMAN | PUBLIC INFORMATION OFFICER  
ABBIE DARST | PROGRAM COORDINATOR

PHOTO BY FARON COLLINS (LEXINGTON HERALD-LEADER)



Aerial view of the mass destruction in  
West Liberty caused by a March 2 EF3 tornado.



**SALYERSVILLE POLICE DEPARTMENT**

Helpless.

It's the only way the officers of Salyersville Police Department can describe the emotions of tackling the results of an EF3 tornado that ripped through their small, eastern Kentucky community.

Sgt. Andy Ybarra was on duty March 2 when the radio in his cruiser became flooded with a cacophony of calls for mutual aid and reports of destruction as nearby West Liberty was wiped off the map by a treacherous funnel cloud. It wasn't long before Ybarra learned that the twister was headed straight for his town.

Police Chief Matthew Watson — head of the three-officer agency — was at home, bed ridden, when the storm swept through.

After enduring a knee surgery with complications, the officer had been home from the hospital only a week. He listened from his bed to the crescendo of chaos as the community he loves clamored for shelter, endured the exceedingly-high winds and rain and, afterward, surveyed the damage and searched for loved ones.

Helpless.

How do you prepare for a violent storm?

"You don't," Ybarra said. "There was nothing we could do. People were hollering over the radio and there was no way you could help. You can't stop these things."

Ybarra drove through the town's main streets with a public announcement system, alerting people to get off the road.

"They would reply, 'Where?'" Ybarra said. "And I said, 'I don't know. Just get off the road.'"

Night had begun to fall along with the heavy rain. It was a darkness, Ybarra said, unlike he'd ever seen.

"There was so much debris flying, the most unsafe part was getting out of your vehicle. I was coming down the Mountain-Parkway and it sounded like a baseball bat was beating my cruiser. You talk about fear. I was afraid something was going to come flying through my windshield. If I'm going to die in the line of duty, I don't want it to be like that.

"I ran over a roof twice and dodged another roof from a house," Ybarra continued. "There was a tree in the road — I dodged that and hit the next half of a roof. I got two flat tires. I was headed in the direction where it looked like the wind was slowing down. The pressure in my car was like being under water. I couldn't hear my sirens. The car wasn't moving. I was hitting the gas and it didn't move. Then I put the pedal to the floor and made it through. It wasn't until two days later I realized I had come through the middle of [the storm].

**THE WIND STOPPED**

From beginning to end, the storm lasted 10 to 15 minutes. When the rain slowed and the wind stopped, Salyersville's communication systems were down, trees and downed power lines blocked access to nearly everything and the search and rescue efforts immediately began. Ybarra and others crawled through debris to get to a grade school janitor who had been injured when he opened a door at the school and was thrown back inside by wind gusts.

More than an hour after the storm, Ybarra finally was able to get home to check on his wife and their five young children — who had survived the storm without damage or injury. Help soon began pouring in from everywhere. From the National Guard to a plethora of law enforcement agencies, Salyersville began to dig out of the wreckage.

◀ (top) A local Salyersville gas station was devastated by a tornado that ripped through the small town. (bottom) Salyersville Police Sgt. Andy Ybarra stands outside the same gas station several months later as cleanup crews still work to rebuild and restore the damaged business.



PHOTOS BY JIM ROBERTSON

# BLOWN AWAY

## The Path of Destruction

Ground surveys by the National Weather Service in Jackson for the March 2 outbreak revealed four record-breaking tornadoes affecting nine counties, including:

- The first tornado in recorded history to affect Martin County.
- The first occurrence of an EF2 or greater tornado on record in Menifee, Magoffin, Johnson and Martin counties.
- The West Liberty tornado mangled a continuous 86-mile long path through eastern Kentucky and western West Virginia with a width of one mile across most of Morgan County.
- The path of the Salyersville tornado extended 49 miles across Kentucky and West Virginia.
- The first EF3 or greater tornado in the Jackson-forecast area since the Middlesboro tornado of May 1988.

*From the National Weather Service Weather Forecast Office ■*

The municipal building which houses the police department also housed a basement, where the agency continued to send everyone to safety. Through a window in the communications center, Hensley said he could see debris blowing outside and hear the wind howling. A window exploded, sending the office's contents down the hallway.

One of the last to seek shelter, Hensley and the county judge headed to the back of the building away from Main Street and began down stairs to seek cover.

"I made it to the landing when the [basement garage] doors gave way and it was like a big wind tunnel," he said. "There was grit and sand flying. It only lasted a few seconds. We rode it out in the stairwell, and when it was over, we were without electricity and radios. Our generator was also damaged. The windows had tree limbs in them and the outside environment came inside."

Crase, who sought shelter in the agency, was able to transmit from his radio to alert the Morehead Post that West Liberty had been demolished. Immediately, Hensley said he went outside to survey the damage.

"A car was laying against a building on the sidewalk," he said. "It was eerily quiet. There was a church steeple laying in the intersection. There were phone and power lines down. Then we began hearing the people."

**RESCUES**

Hensley helped rescue a mother and her children who had become trapped in their car, but were unharmed. Restaurant diners

close by were climbing out the front window. From there, Hensley said, the officers just looked for somebody to help and time seemed to slip away.

The agency as it had been just a few hours before was gone. There were officers who had lost their homes and needed uniforms. Cruisers were destroyed and they no longer had a command center. Like Salyersville, West Liberty was bolstered by the support of small and large agencies from across the commonwealth who lent aid.

"As help began to arrive, these agencies began to take over the search and rescue," he said. "God bless them. They were well trained and hit the ground running. Because of the response from KSP and other agencies, we were able to take a break and dig ourselves out.

"When you experience a disaster like this, the ordinary things that consume your resources didn't seem to happen," the chief continued. "We assisted people, but we weren't working accidents or doing traffic stops. We had the good fortune that we didn't have drunks out on the roads. We spent more time escorting and guiding emergency vehicles, utility crews and construction crews and conducting traffic."

Hensley, who has been in law enforcement for 30 years, agreed with Ybarra that there is little preparation that can be done to fully fortify an agency in preparation for natural disaster. And as the agency continues to dig its way out and rebuild, there is some apprehension about what happens next.

"It won't ever be the same," Hensley said of his hometown. "There's a new normal. It >>



>> will change again. There is a nervousness and fear of what the future holds — even financially for the community. The cleanup has to be paid for.”

#### LAUREL COUNTY SHERIFF'S OFFICE

The destructive twisters on March 2 devastated Laurel County, too, as an EF2 tornado ripped a more than 10-mile stretch across the county's northern edge. More than four months later, a path of trees — ripped apart and laid over — still clearly mark the path where homes and businesses were wiped out, taking the lives of six people.

“You always think something like that will never happen in your town,” said Laurel County Sheriff's Public Affairs Deputy Gilbert Acciardo. “But this made me a believer. I'll never take any storm for granted again, and if the alarms are going off, I will take them seriously and move to shelter.”

As soon as the calls began pouring into the dispatch center, all emergency services were dispatched into a scenario of devastation that officers described as nothing short of a war zone.

“It happened at 7:30 on Friday night and me, the sheriff (John Root) and the other guys called out went non-stop until the next night,” Laurel County Chief Deputy Ed Sizemore said. “We were in full uniform, wading in mud up over our shoes

— it was awful. We lost some uniforms that night, but the guys didn't care. They did what they needed to do right then, and that was take care of business.”

#### TRAFFIC CONTROL

Though many of the sheriff's personnel helped in search and rescue, the sheriff's office mainly was responsible for setting up traffic control in and out of the hit areas. When disasters happen, people want to come and see for themselves what has happened, Sizemore said. They not only had to keep curious and concerned citizens out of the area, they had to ensure emergency personnel could get in to help victims. Just months before, the sheriff's office received donated military surplus Hummers. These vehicles played a key role in the county's efforts.

“A lot of places where this happened were one lane roads, long driveways,” Sizemore said. “We had cases where ambulances and personnel couldn't get to [victims], so we used the Hummers to go in.”

“That was only the vehicle that could plow through fences and over trees — we were just not going to be able to get a normal vehicle in there,” Laurel County Sheriff John Root said.

Sheriff's office personnel reached nine trapped individuals and transported them out, using the Hummer.

“We were told we saved their lives by doing that,” Sizemore said. “Our efforts were, if assistance was needed, we helped or made sure help got there.”

The Laurel County Sheriff's Office was not alone in its efforts in the immediate aftermath of the storm. An outpouring of help came from other agencies across the state, Root said. Gov. Steve Beshear also declared a state of emergency, allowing National Guard troops to assist.

“The National Guard went through the Kentucky State Police to coordinate their efforts, and we were in constant contact with ... KSP and coordinated what we needed to do,” Sizemore said. “Keep in mind, life didn't stop there, we had a whole county to consider. We took the brunt of answering all the calls and getting more people out to help with answering calls.”

#### PULLING TOGETHER

The London Police Department provided assistance in areas throughout the county that needed it, Sizemore said. In addition, they had to deal with thefts from people taking advantage of the situation. But on the whole, the community came together to help out brothers, sisters and neighbors, he said.

“A lot of people didn't have anything and got everything lost,” Sizemore said. “A lot of them didn't have insurance, so donations were taken up — food, clothing, furniture, appliances were donated. It was amazing that this community came together the way it did.”

In the months since the disaster, the Laurel County Sheriff's Office has put in place an inter-local agreement with seven counties, to provide additional personnel in the case of a future incident. The affected county's sheriff would notify the other county heads and ask for two or three deputies from each agency.

“They would come here and work and we would assign them duties, whether patrol or on the scene of the disaster,” Root said about how the inter-local agreement would work in future incidents. “Though what happened was in East Bernstadt, there was still stuff going on in Corbin and Keavy, and we still had to patrol, answer

complaints, work accidents, burglaries, thefts. So [this agreement] would just double our department, which is great.”

#### A 'STATE' OF EMERGENCY

With severe tornado destruction stretching across a more than 100 mile radius in the eastern part of the state, the small communities and law enforcement agencies that experienced the worst damage couldn't have taken on the severity of the devastation on their own. In the horror of the aftermath, Kentucky's brotherhood of law enforcement came through as law enforcement and rescue personnel from all across the state answered the call for help in storm-crippled communities across the commonwealth.

“I can't talk enough about the help and all the other agencies that were there — if you weren't there it's hard to explain,” said KSP Sgt. Bob Motley. “Fire departments and rescue people came from as far away as Louisville. It's like a call went out for people to come and help and then about five to six hours later, it was like, ‘Whoa, what are we going to do with all these people.’”

Having statewide jurisdiction meant KSP had statewide responsibilities in the middle of the March 2 tornado disasters. Troopers like Sgt. Motley, who lives in Morgan County, about seven miles from West Liberty, were immediately on scene after the tornadoes ripped through several Kentucky communities.

On his radio, Motley recalls listening to Tpr. Crase call out that West Liberty had taken a direct hit and needed all the help it could get. Motley began heading toward West Liberty from the west end and KSP Sgt. Brian Evans, who is also from the area, began heading in on the east end.

“We tried to get to each other to coordinate what we could do — it was just mass chaos,” Motley said. “We were searching buildings and searching for people. We were trying to get organized and it was just so hard with all the chaos to get organized. It was two hours before I got to Brian Evans. When we could, we got troopers assigned to different areas and set up a temporary shelter.”

KSP Detective Donnie McGraw's son was working at a restaurant in West Liberty. In an effort to reach his son, McGraw went straight through the path of the

tornado, ruining four tires on his pickup truck from running over debris, Motley said.

“The roads were completely blocked with wires, poles and trees,” Motley said. “I can't imagine what was going through his mind. But once he found his son and he was OK, Donnie went [into the county] trying to help people. He had to dig through rubble to find victims who were already deceased.

“They did all they could to get to people,” he continued. “Everybody bent over backwards. We did what we were trained to do. The amount of support and help that came was unbelievable. ... It's a good feeling to know that people care and they come in your need. To hear about it and witness it are two different things.”

Law enforcement officers and rescue personnel were not the only ones who put in long, treacherous hours throughout the crisis. KSP Commissioner Rodney Brewer said telecommunicators immediately volunteered to staff command posts. Other posts outside of the affected areas quickly dispatched troopers and telecommunicators to provide relief. The KSP Media Relations Branch put out an all call to each post area offering a safe drop-off point for non-perishable food items, cleaning supplies, tools and personal-hygiene products. In less than two weeks, KSP had collected nine tractor trailer loads and five box trucks full of much needed supplies for those affected by the disaster, Brewer said.

“I've been here 30 years and have never seen people pull together like this,” Motley said. “You expect law enforcement to be there when you need them.”

Motley compared this experience to his experience in volunteering in Mississippi after Hurricane Katrina hit the Gulf Coast in 2005.

#### HURTS YOUR HEART

“From a personal view — going to Katrina and being here — I felt for those folks in Mississippi; it touched my heart,” he said. “But I stood on the streets of West Liberty and cried with more than one person. It just hurts your heart. Troopers Brian Evans, Kelley Bowman and I grew up in that community. We're from there, grew up there, and it was just unbelievable.

“You just do what you gotta do, what you're trained to do, but there is no play book for this one,” Motley continued. “I



▲ A KSP trooper helped a local West Liberty retired Marine search through a river bed to find his dress uniform — a prized possession. The Marine lost both of his parents in the tornado. He also found his dad's World War II Marine uniform in the river.

don't know how you could ever train for this. You just do the best you can do because it's moving at the speed of sound. You don't have time to sit and decide what to do, you just have to make a decision and hope it's the right one.”

Motley remembers talking with West Liberty Mayor Jimmy Root the day after the tornadoes hit. Standing in town looking at the complete devastation, he recalls Root saying, ‘We'll build back bigger and better’ — an audible reminder of the hope and resilience communities across Kentucky displayed in the hours, days and months following March 2.

“It was a good joint effort,” Motley said of all the agencies, officers and personnel that pitched in from around the state. “I'm so proud of this agency, I can't tell you. ... They did it with compassion and from the heart, not because they were drawing a check. And all those officers who came, came because they wanted to, not because they had to.

“It was a tough few days; it's been a tough few months,” he added. “But folks in the area are doing very well.”

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◀ KSP troopers helped distribute much needed supplies, such as toilet paper and diapers, to West Liberty residents in the aftermath of the March 2 tornado.





MORE THAN JUST

# KIDS' PLAY

Kentucky law enforcement youth programs lend a helping hand to at risk youngsters

ABBIE DARST | PROGRAM COORDINATOR

**P**ushing 6- feet tall and on the verge of being 6 feet under, Devon Watts was a ticking time bomb. A student at Martin Luther King, Jr. Alternative School (Lexington, Ky.) Devon was failing every class. Slouched behind a tattered desk, he'd sit zoned out, while slowly coming down off his last high and battling his quickening desire for the next one. Despite his mother hitting her knees in prayer every night, Devon slipped further and further into his drug abuse and extreme behavior issues. Devon was put into therapy, medicated for ADHD and moved to a remedial school, yet nothing changed — his path only darkened. Devon had been incarcerated in juvenile detention and was at the point of being committed to the juvenile justice system if he had one more run-in with the law. His one glimmer of hope rested in his love and talent for basketball. His failures in the classroom left him ineligible to play school ball, but Devon was able to find a place on Lexington's Police Activities League teams. Only this time, Devon's run-in with "the law" would change the course of his life forever. >>



## >> BE THE CHANGE

Lexington's PAL is a crime-prevention program that includes recreational, athletic and educational activities to promote positive relationships between law enforcement and community youth.

"The biggest thing is about relationships," said Officer Connie Rayford, who has been assigned to Lexington's PAL unit for nearly 20 years. "We could offer programs all day, every day, but if we're not building relationships, we're not being effective."

**R**ayford and other Lexington Division of Police officers assigned to the PAL unit took Devon in and did more than just cultivate his athletic skill, they mentored him and cultivated a relationship with him, allowing them to see the potential locked inside — masked behind his drug abuse and behavioral struggles. When various interventions failed to help Devon in the past, his involvement in the PAL program offered him a chance at a brighter future. Through a partnership with the National PAL program, Devon received a scholarship to attend Boys Town — a non-profit organization in Omaha, Neb. dedicated to caring for children and families, and whose emphasis on social preparation has become a model for public boys' homes worldwide.

"There's no doubt in my mind that if he had not been given this opportunity, he'd be incarcerated or perhaps dead," Devon's mother, Antoinette Watts, wrote in a letter expressing her gratitude to Lexington PAL officers.

"It could be a matter of life or death for some kids," said Officer Michael Smith, who was formerly assigned to PAL and still volunteers in his spare time. "Our kids are fairly decent kids, but some live in an environment that could take them the wrong way. And we have kids that have [gone] the wrong way and sought us for advice."

Devon spent four years at Boys Town learning how to take control of his life and how to be a leader, both on and off the basketball court. By his senior year, he had a 3.2 GPA and was a three-year starter for the school's basketball team, leading them in overcoming a 10-point deficit to win the school's seventh state-tournament championship, in March.

Rayford recalls Antoinette Watts calling her at 10 p.m, this time with tears of joy, as she held a letter from former University of Kentucky Coach Tubby Smith, who was recruiting Devon to play ball at the University of Minnesota.

"If we didn't have that resource available, who knows where he would have ended up," Rayford said of the Boys Town scholarship Devon received through the PAL partnership. "Officer (John) Washington was vital in getting him out there, but [Devon] still had to buy into it. Though we had [the opportunity], he still had to do something to stick with it. It's a tough, tough school, but he stuck to it, and I know he will continue to do very well.

"Seeing his highlights and seeing him come back was great — he was excited to come by here and share some successes before he prepared to leave for college [this summer,]" Rayford continued.

At the core of what the Lexington PAL program does, is mentoring young people, giving them opportunities they might not otherwise receive and showing them that there are people who care about them, their lives and their future.

At its most basic level, mentoring relationships guarantee young people that there is someone who cares about them, and they are not alone in dealing with day-to-day worries, Mentoring.org states about the value of mentoring in the lives of today's young people.

"We know that when done well, youth mentoring holds great promise in helping young people succeed in life," the website states. "Studies of both well-established programs and newer ones that provide youth with formal one-to-one mentoring relationships have provided strong evidence of their success in reducing the incidence of delinquency, substance use and academic failure."

**T**hese studies further indicate that formal youth mentoring programs can promote positive outcomes such as improved self-esteem, social skills and knowledge of career opportunities.

Devon's story is just one of numerous successes Kentucky's law enforcement officers have seen when they take it upon themselves to mentor the young people in

their communities and seek to make that positive difference in the life of a child.

This summer, the Louisville Metro Police Department answered a call to what was literally a life-or-death situation facing the city. Between March and the end of May, Louisville experienced a string of murders — 10 people were killed in those three months, and six of those were 24 years of age or younger.

"After the rash of murders in Louisville, I said, 'We have to do something,'" said LMPD Lt. Andrea Brown, who is over the department's community relations programs. "I decided I wanted to do a boys and girls' camp ... that would focus on team building, self-development and empowering these children to do more."

With only about two weeks to plan and begin advertising before school let out,

Brown and several LMPD officers developed a three-week summer mentoring camp for students between the ages of 10 and 17. They conducted two camps throughout the summer with about 50 children at each one. The camp exposed the participants to various educational and employment opportunities. Students visited the University of Louisville to learn about what it takes to get into

college and how to apply for financial aid; visited MetroSafe to learn firsthand how police, EMS and fire runs are dispatched; toured the U of L football complex led by Coach Charlie Strong; and attended a presentation by a UPS pilot about his career journey. The students were introduced to a plethora of opportunities and choices they may not have realized were open to them. >>



Louisville Metro Police Officer Jon Hardin says helping others is his purpose in life. Hardin takes every opportunity to invest in the lives of young people in Louisville, including participating in youth-law enforcement basketball leagues and LMPD's new three-week summer mentoring camp.

PHOTO BY JIM ROBERTSON



>> “We wanted to broaden their horizons and let them see further than what’s right in front of them,” Brown said. “We exposed them to different things and when you do that, it increases their knowledge and makes them want go out and look into doing more, rather than just what’s in their little world.”

**T**he camp gave the participants much more than just exposure to future opportunities. The six officers involved in the camps spent three weeks deeply involved in the lives of these children, building relationships and helping them see the potential already present inside of them. For Officer Jon Hardin, being involved in this camp was right up his alley. A former U of L football player and five-year officer with LMPD, Hardin has taken a special interest in the lives of children throughout his life.

“It’s the chance of being a hero; you meet kids from different places and you are a role model — I didn’t want to let go of that,” Hardin said of his time as a football player and why he chose a career in law enforcement. “It’s a great feeling to help someone else. I have plenty of people I can thank for helping me, and it’s always a good feeling to give back. Honestly, it’s a joy to feel like I’ve touched someone’s life. My purpose in life is to help others — there is not another purpose in life.”

Prior to helping with summer camp, Hardin was involved in a basketball league sponsored by the police department with students at Olmstead North Academy, an all-boys middle school in Louisville.

“It was a great opportunity for us to get involved with kids,” Hardin said. “When I heard about [the camp] I was interested in it because of the boys — a lot of boys

are not raised in a home where a father is there. ...They need someone to look up to. It’s hard to grow if you don’t have someone to show you how to grow in this life.”

**I**n between playing dodge ball or football with kids, taking field trips to places across the city or talking to them about making good choices and having respect for themselves and others, officers also had the opportunity to have one-on-one talks with students about specific aspects of their lives.

“There is opportunity for kids to open up to you and tell you everything that has happened to them,” Hardin said. “Kids have been through more stuff now than ever ... some things they’ll never be able to get over. When I’m able to help them and they are able to open up to me and are comfortable with me, it makes me

happy to feel like I gained someone’s confidence, and I never want to abuse that.”

“That was the one thing I wanted to focus on was being a mentor to kids — building that rapport and positive relationships,” Brown added. “Three weeks is not enough, but it’s just enough time to start building those bonds that we hope to build with kids.”

**L**exington PAL and LMPD officers have taken an active stand to ensure the next generation has the knowledge, skills, encouragement and support to become productive members of society. From a law enforcement perspective, that only makes their jobs easier and keeps communities safer. Statistics from a research brief published by Child Trends entitled “Mentoring: A Promising Strategy for Youth Development” show that mentoring provides positive benefits in three categories — educational achievement, health and safety, and social and emotional development. In terms of educational achievement, mentored youth have better attendance, better attitudes about school and a better chance of pursuing higher education — as was evident in Devon Watts’ life. Relating to health and safety, mentoring can help prevent substance abuse and reduce some negative youth behaviors — making them better citizens and less likely to create problems for law enforcement in the future. Socially and emotionally, mentoring promotes positive social attitudes and relationships. Mentored youth tend to trust their parents more and communicate better with them, the brief stated. When law enforcement officers participate in mentoring relationships, that trust and increased communication directly transpires to law enforcement officers and agencies, too.

#### DISPELLING FEAR

Gaining the trust of young people and breaking down myths and stereotypes they may have about law enforcement is an integral part of mentoring efforts many Kentucky agencies make. A fear of police is a real issue in many Kentucky communities. Children in certain areas have seen parents or other family members arrested, they’ve heard false stories about law enforcement mentalities and they do not feel like they can trust anyone in a uniform and cruiser. >>



▲ Students in the Lexington Division of Police’s Police Activities League had the opportunity to meet University of Kentucky Coach John Calipari during the UK alumni players’ exhibition game against the Dominican Republic team Calipari coached in 2011.

## Lexington PAL — More than Just Athletics

**A**bout three years ago, the Lexington Police Activities League created a formal mentoring program. Though the various athletic programs PAL had run for years offered a unique mentoring capability for law enforcement officers and involved volunteers, PAL officers realized that not all children are athletically inclined. The mentoring program offers youth a chance to be involved in a one-to-one relationship with an adult from the community. Currently there are about 55 child-mentor matches in the program, but there are still 25 children on a waiting list for the program.

Mentors and their mentees meet for one hour a week and participate in group activities like going to Gattitown or to the movies, or working on local beautification projects.

“It’s important to a child when they feel like somebody will take the time to show up every week just to see them,” PAL Officer Connie Rayford said. “That’s huge. Those kids who participate, we see their grades going up, their self esteem improving. Just knowing that an adult has taken the time for them, makes them feel special.”

The Lexington PAL program has 16 separate programs they offer to Lexington-area youth from age 4 to 18, including everything from mentoring, tutoring and youth leadership to T-ball, boxing and football. Each program promotes a positive relationship among law enforcement, community and youth. PAL believes and studies have proven that when a child respects a police officer on the ball field or in the gym, he or she will come to respect the laws that police officer enforces. ■



Richmond-area students cool off on a hot summer’s day splashing in a local pool. Frequent trips to the swimming park were just one of many activities during a five-week, Richmond Police Department summer camp.





PHOTO BY JIM ROBERTSON

Trooper Island Director Craig Sutton prepares Trooper Island campers for their morning flag salute and pledge recitation. This morning ritual is one component of the responsibility and discipline woven into the fun camp activities throughout the week. It is also one of the few times that the campers see the troopers in uniform while on the island.

“I had parents tell me every time they see the fire department they are cheering, but when they see the police, someone’s getting ready to get locked up, but we want to change that image because we are here to help, also.”

>> “I had parents tell me every time they see the fire department they are cheering, but when they see the police, someone’s getting ready to get locked up,” said Lexington PAL Officer John Washington. “But we want to change that image because we are here to help, also.”

The same fear is inherent in parts of Richmond, as well, Chief Larry Brock explained.

“What spurred me to consider starting a camp was a friend of mine, who is a resident, told me a lot of kids in the area were afraid of the police, not necessarily because of a personal bad experience, but the things said and stories passed down,” Brock said. “So I wanted to do something to overcome that and show kids that was not the way things were anymore, and there’s no reason to be afraid of the police. The police are there to be a friend and help them if they need help.”

In 2008, the Richmond Police Department began a summer day camp, targeting children ages 11 to 14. The first year the camp was three weeks long. Then it expanded to four weeks and is now a five-week camp.

“I’ve been on the road for nine years and this is totally different ...” said Richmond Police Officer Josh Hale who is one of two officers who primarily work with the department’s summer camp. “It gives us the chance to do community relations, you get to know some kids and have an influence in their life — and have a mentor, counselor or teacher role in their lives.”

**T**he camp balances fun with education to keep the 50 enrolled students engaged. In addition to showing participants various aspects of what law enforcement officers do and talking to professors at Eastern Kentucky University, the camp allows children to experience fun things they may not otherwise experience, such as attending a Cincinnati Reds game, going to the Muhammad Ali Museum and learning boxing and karate at a local gym.

“You have 50 different kids with their significant sets of problems that they come with from home, or attitudes against the police or for the police that we have to deal with,” Richmond Police Officer Whitney Maupin said. “So, it says a lot that we have

some kids who walk here every day because they want to be here.

“For middle school [students], they are at that stage where they want to sit on the couch, watch TV and play video games,” Maupin continued. “For them to walk here every day, be a part of camp and walk home takes a lot of effort. But we do some stuff that is really cool that they wouldn’t normally get to do.”

**M**aupin and Hale also work in the Richmond-area schools, teaching the Gang Resistance Education and Training, or GREAT, program. This program serves as the open door for them to begin building relationships with kids that is strengthened when those kids participate in the camp and are able to spend the significant portion of five weeks learning from these officers.

“The best thing is establishing relationships with the kids that last all the way through high school,” Maupin said, who is also a school resource officer for the city. “I work in the high school, so I get to see them through middle school and high school. Just in that relationship built with them at summer camp, it also builds trust with them. If they are having an issue, there is someone they know they can come and talk to. If they didn’t know [an officer], they may not say anything.”

Similar to the reasons the Richmond Police runs its camp, the Kentucky State Police has spent 47 years dispelling fears and misconceptions about law enforcement among Kentucky’s disadvantaged children, through its Trooper Island camp.

“We’ve all been somewhere eating and heard parents say to their kids, ‘If you don’t eat, he or she will put you in jail,’” said Trooper Island director, Sgt. Craig Sutton. “That’s the worst thing you can do to a

child. Because now they are looking at [police] as evil people. Parents don’t mean at all to harm the kids, but the kids get scared. Now, the one person they can trust, they don’t know if they can trust or not.”

**T**rooper Island was established to give economically-disadvantaged children an opportunity to participate in camp, when they may otherwise not have that opportunity. Since 1965, troopers have influenced the lives of more than 28,000 children at camp. Many of the kids that come to the island on Monday morning of their camping week are homesick, scared and don’t know anyone there, Sutton said.

“That’s where the troopers come in,” he said. “They sit down with them and talk to them. The troopers are here to protect them and they’re going to have fun. We want to make sure it’s the best camping experience they can ever have. >>



Campers at Trooper Island, a Kentucky State Police camp for underprivileged children, are given a culmination of experiences from learning to shoot archery and shotguns to fishing and canoeing in the surrounding lake. Reaching a diverse group of students, many campers have never experienced these types of activities before attending camp.

PHOTO BY JIM ROBERTSON



>> “When they see these [officers] out here playing kick ball with them, singing songs and dancing with them, they realize we are people too, and we can have fun,” Sutton continued. “It’s not the gun and badge that they see out there, they see an officer in shorts and a T-shirt and he or she becomes a normal person to them.”

Officers who take time away from their normal post duties to spend time with and mentor the children at Trooper Island are breaking down walls that exist not only for the child, but possibly for their parents, too.

“When the kids get to know [the troopers,] the next time they are out and mom or dad says, ‘If you don’t eat all your beans, he’s going to take you to jail,’ they can look at them and say, ‘No, that’s my friend. I met these police officers and they are there to help me.’” Sutton continued. “‘They only take bad people to jail. If you’re good, you’re not going to jail.’”

Post 7 Trooper Bryan Judd knows firsthand how influential the interactions with troopers at Trooper Island can be. When Judd was 10 years old, he and his twin brother were selected as campers to attend Trooper Island in 1984 — an experience that has stuck with them all these years. Judd has been a trooper for 13 years and has attended Trooper Island for most of those, and now he takes his kids with him as campers. His brother, Ryan, is a trooper in the vehicle operations division in Lexington.

“We try to interact with them as much as we can,” Bryan Judd said about spending time with the campers during the week of camp. “We try to give them as much positive attention as we can. I had one kid who was going crazy and I asked him what was wrong. He said, ‘I don’t know.’ I said, ‘Do you just need some attention?’ He said, ‘Yes.’ I went and got him some ice cream and sat down with him.

“For the 10 minutes I talked with him, it was an eye opener,” Judd continued. “All he

knows to do is draw negative attention. It’s nice for them to know that we’re going to get out here and play ball with them, eat ice cream and make popcorn for them to show them that we really do care about them. That positive attention was one thing that made me realize I wanted to be a trooper.”

Bryan and Ryan Judd are among a growing list of troopers whose names appear on a plaque in the cafeteria at Trooper Island — who attended camp as children and went on to become troopers.

“To me, that’s a great accomplishment,” Sutton said. “It allows these kids to see Bryan Judd and see his name on that wall and realize he was just like them at one point.”

The positive benefits of law enforcement officers taking an interest in mentoring activities and building relationships with kids are exponential, but agencies also reap benefits, too. The plaque at Trooper Island demonstrates how much the Kentucky State Police gained — several dedicated troopers, with a heart for underprivileged children in their area.

The same is true of the Lexington Division of Police PAL program.

“We’re really doing this job to show the kids about us,” Lexington Officer Smith said. “Hopefully we are recruiting future police officers to actually do this job. You never know what their life will entail, but that may be one influence of being around police [in the league.] We have plenty of kids who when you ask what they want to be, will say they want to be the police.”

### GIVING BACK

Many law enforcement officers who participate in some form of mentoring do so because they have a specific memory of someone who played a vital role in getting them to where they are today.

“I had so many people in my life that I really looked up to,” said LMPD’s Hardin, who is one of 15 children in his family. “I had 10 not just good brothers, but great brothers, my mom is my rock and best friend to this day. ... My brother next to me took me under his wing and has shown me the world .... He pretty much groomed me to be where I am.”

That tight bond and person to look up to is something Hardin thinks every child

should have. Even when he is not participating in specific programs like summer camp or basketball league, Hardin works his beat in Okolona with mentoring and helping children in mind.

“I would say it’s my special calling — that’s what I love to do,” he said. “I think most young people are misunderstood, but they don’t know how to express themselves either. I feel I can understand them and get their parents to understand them and be that go between.”

Some officers don’t get the chance to work much with kids in their everyday jobs, but seek out opportunities to serve because of past influences — and are better for it. Trooper McTavish McDonald has attended Trooper Island camp for nine years.

“It’s a lot of work because [camp] is 24/7 and you’re constantly going, but it’s definitely worth it,” he said. “In this job, you tend to deal with the unpleasant side of society all the time. ... You deal with criminals, drug addicts and victims. But this is definitely good for morale — getting to see and be a part of something positive.

“Obviously it’s for the kids — 100 percent — but it’s not thankless,” McDonald continued. “We get paid back 10 fold. I can tell you if you look at my morale level the week before and week after — I come back believing in the cause again. I come back knowing that I’m making a difference, even if it’s just for one week a year on an island.”

McDonald’s experiences with Los Angeles police officers where he grew up in California, were instrumental in him becoming a law enforcement officer, he said. As a child, he shot for the National Rifle Association junior rifle league. He recalls how LAPD officers would come into the shooting range and take a few minutes out of their day to talk to him and answer his questions.

“It meant a lot to me and it stuck with me my entire life,” McDonald said. “If five minutes of one LAPD officer’s day could make an impact on me, how about a whole week at camp with troopers? What we do does make a difference.”

The pay-it-forward mentality of being that helping hand is also the goal of all the officers who serve the Lexington PAL program. In an effort to express his gratitude,

PAL Officer Washington had one kid tell him, “When I make it to the NBA, I’m going to buy you a brand new car.”

“I told him if he made it to the NBA, just do one thing — do what all the PAL officers do — reach your hand out and help someone else out,” Washington said. “That’s the biggest gift [he] could ever give me, just take the time to help somebody else.”

There are multiple reasons to consider taking the time to mentor young people, but when law enforcement officers and agencies dedicate themselves to mentoring the next generation, they can change the

dynamics of the communities they serve, by fostering trust; filling an inherent need for a role model; and creating better-molded, productive citizens to lead communities, cities and towns across the commonwealth. There are more than 18 million children across the country who need or want a mentor, and Kentucky law enforcement officers are doing their part to stand in the gap for the young people with which they come in contact. 🍷

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▲ Richmond Police Department Officer Josh Hale explains the significance of the Kentucky Law Enforcement Memorial to campers during a tour of the Department of Criminal Justice Training, just one of the activities students experienced while attending a five-week camp with the police department.

## Bluegrass Challenge

Bluegrass Challenge is a National Guard prevention program structured like a boot camp with intensive educational components. It takes place at Fort Knox, and the majority of instructors are current, former or retired military. Youth who have some issues, but have not fallen into the juvenile justice system are often good fits for this program. These youth may have had some minor brushes with the law, but no major occurrences. Bluegrass Challenge offers them a chance to get their heads together, receive discipline and focus and finish their high school diploma or GED. For many, military service then becomes an option because they have had that rigorous, half-a-year experience.

For more information on Bluegrass Challenge or on how to become a mentor in the program, visit <http://www.ngycp.org/site/state/ky/node/2262> or scan this QR code with your smart phone. ■





# THE GATEKEEPERS

Building safer communities through the Defending Childhood initiative

ABBIE DARST | PROGRAM COORDINATOR

**K**entucky's law enforcement officers can play a big role in changing the lives of children. Officers can be a powerful role model for the young people they encounter, especially in high-crime neighborhoods, where they provide a powerfully visible alternative to the violence and fear that are often a part of their everyday lives, Community Oriented Policing Services Director Bernard Melekian said.

In 2010, the U.S. Attorney General launched a new initiative to address a daunting national crisis — the exposure of America's children to violence. In their schools, in their communities and even in their homes, children across the country are exposed to increasing amounts of violence in their everyday lives. The initiative, Defending Childhood, hopes to stand in the gap for America's young people facing violence, both as victims and witnesses. Studies as part of the initiative showed that nearly 40 percent of American children were direct victims of two or more violent acts and one in 10 were victims of violence five or more times. According to a national Office of Juvenile Justice and Delinquency Prevention survey, children in the United States were more likely to be exposed to violence than adults and twice as likely to be victims of violent crimes as the rest of the

population. Children exposed to violence are more likely to abuse drugs and alcohol; suffer from depression, anxiety and post-traumatic disorders; fail or have difficulty in school; and become delinquent and engage in criminal behavior themselves, according to the Office of Public Affairs.

Obviously, all of these effects are counterproductive for law enforcement and the jobs they carry out every day. The Defending Childhood initiative strives to prevent exposure to violence, mitigate the negative impacts of exposure when it does occur and develop knowledge and spread awareness about this issue. It is imperative for officers to recognize the efforts of this initiative and, whether formally or informally, make efforts toward the same goal.

"The critical role that law enforcement officers play in the defense of childhood cannot be overstated," Melekian said in support of Defending Childhood. "Law enforcement officers have a critical responsibility in protecting young people from violence and disorder. As first responders, they deal with both victims and suspects in the epidemic of youth violence that threatens our nation's children.

"It also is law enforcement who first responds to calls of neglect and abuse," Melekian continued. "It is the responding officers who will determine whether society's resources are made available in a way that contributes to breaking the generational cycle that is so often present in these kinds of incidents. In effect they are the gatekeepers between the child and the societal support required to ensure the child's safety and long-term well being."

**B**reaking those generational cycles is critical to changing the dynamics of many issues troubling communities. Because the effects of witnessing, or being the victim of violence, are long lasting, these children may be more prone to dating violence, delinquency and involvement with the child welfare and juvenile justice system, the OJJDP survey showed. Moreover, being exposed to violence may impair a child's capacity for partnering and parenting later in life, continuing the cycle of violence into the next generation.

The Defending Childhood initiative began with grants given to eight sites in cities

## By the NUMBERS

**28,000 children** have attended Trooper Island camp since its creation in 1965

**52%** of students who regularly meet with their mentors are less likely to skip a day of school than their peers

**40%** of a teenager's waking hours are spent without companionship or supervision

**9 months** is the average time a mentoring relationship lasts

**40%** of mentors had no previous relationship with their mentees ■

and tribal communities around the country to develop strategic plans for comprehensive, community-based efforts to further the goals of the initiative. The eight sites are:

- Boston, Mass.
- Portland, Maine
- Chippewa Cree Tribe in Montana
- Grand Forks, N.D.
- Cuyahoga County, Ohio (the Cleveland area)
- Multnomah County, Ore.
- Rosebud Sioux Tribe in S.D.
- Shelby County, Tenn. (the Memphis area)

In 2010, these sites received grants to begin the planning phase. In September 2011, they began implementing the strategies from the planning phase. These implementation efforts will be evaluated in September 2013. Many sites built on prior efforts and programs are already in place in their areas. For example, in Memphis, Tenn., the U.S. attorney's office created a Youth Violence Prevention Plan as an answer to their incredibly high youth violence rate, which was the second highest in the country in 2006. Largely due to Memphis' data-driven policing initiative called Blue Crush, a key Operation: Safe Community strategy, serious crime in Memphis declined by 26.6 percent. January 2011 saw Memphis' lowest murder rate in 30 years. Despite the city's success, youth violence still was on the rise. In 2009, more than 54 percent (1,462) of those arrested for committing a violent crime were 24 or younger — with offenders as young as nine years old. Nearly 160,000 Memphis children

living in poverty face multiple risk factors for youth violence, with those at highest risk including children of teen parents, youth 16 to 19 years old who are not in school or working and youth with no consistently working adult in the home, the Memphis-crime.org website states.

**T**he Memphis Youth Violence Prevention Program plan, created with input from more than 800 stakeholders such as youth, parents, professionals and community and faith leaders, aims to reduce youth violence by building youth resiliency and supportive neighborhoods so young people can succeed in spite of pervasive local risk factors. The plan covers services aimed from prenatal through career age, which are proven to support positive youth development, the Memphis-crime.org website states.

"There should be no more dead, broken or exploited children in this country," Melekian said. "There should never be any 'throw-away' children in our society. The truth or falsity of these noble statements will be determined by local law enforcement working in partnership with the community and other government agencies. The investment of time and resources into the welfare of our children is an investment into the future of this country." ■

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# STEALING HISTORY

## The Who, What, Where and How of Working Archaeological Theft Cases

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

**T**he darkness of the night sky is broken by rays of blue light, slicing through the air amid deafening sirens. Dispatchers are feeding information quickly through the radio. A family is dead. There were gunshots. Instinctively, the weight of your foot falls harder on the pedal as you rush to the home where the deaths were reported. Two adults. Two children. The humidity of a Kentucky summer stifles your already-quick breath as you jump out of the cruiser and begin gathering your tools to investigate the scene.

The house is quiet. Dark. The dispatchers ring through again. Neighbors report an unknown subject leaving the scene just moments before your arrival. With one too many calls like this one in your tenure, you know what to expect.

But as you push open the door, find your way to the lights and begin to take in the scene, things don't make sense. There are no bullets. No blood. The rug that was clearly beneath the victims before they died is gone. There is no weapon to be found — in fact, little evidence exists to help piece together the puzzle of what led to the family's demise.

Without clues, how do you begin to understand how these people lived and died? What do you tell the families who are depending on you for answers?

Slack Farm in rural Union County was ravaged in early December 1987 in perhaps Kentucky's most widely-known case of archaeological theft. This aerial photo, taken by a local reporter, shows most of the 450 holes looters left behind after disturbing and robbing more than 850 fifteenth to seventeenth century Caborn-Welborn graves. The investigation by State Police and State Forensic Anthropologist led to charges of against 10 men, a heightened sensitivity for site preservation, and new laws protecting Kentucky's cemeteries and archaeological sites.

A crime scene disturbed and left in pieces is not unlike a historic gravesite that has been unsettled by thieves, said Kary Stackelbeck, archeology review coordinator for the Kentucky Heritage Council. When the evidence at a crime scene or in a countryside that a group of people once called home is gone, there is little chance of getting it back.

"When someone comes in and loots an archeological site, digs it up haphazardly and removes artifacts from the ground that have been there for thousands of years, it is not unlike when somebody compromises a crime scene before a detective can secure the location and look for clues," Stackelbeck said. "It is basically like looters come in and compromise the scene, creating clues, removing clues and removing information that might have otherwise allowed us to develop an interpretive framework for how these people lived their day-to-day lives.

"They are not here to speak up for themselves and tell their own story," Stackelbeck continued. "Archaeology is a fragile testament to their presence in Kentucky."

### BIG BUSINESS

Archaeological theft might not keep officers as busy as copper theft or run-of-the-mill burglaries, especially outside of eastern Kentucky. But the theft of some of history's priceless artifacts is a big business — and one that is intertwined with other more common types of crime, experts say.

"I think it is important to convey to law enforcement how serious this crime is," said Martin McAllister, a nationally-renowned archaeologist and owner of Archaeological Damage Investigation & Assessment. "A lot are not that familiar with it, and it is certainly not like homicide or pedophiles. But it is a very serious crime."

Kentucky's earth is filled with treasures that lead historians and archaeologists to understand the culture and lives of those who came before. Looters looking for quick cash and an adrenaline rush have ravaged the commonwealth's land, leaving a destructive path of broken remnants and desecrated graves in their wake.

It's not a love of history that drives these thefts, McAllister said. It's the money.

"There are a few people who are basically what we would call hobbyists," McAllister said. "They are primarily collecting artifacts to add to their personal collections.

Sometimes they even pride themselves on only working on private property they own or have permission to excavate. That would be legal in case they happen to disturb a burial site.

"People — primarily commercial people — to them, it's all about the money," McAllister continued. "A lot of people don't know that antiquities trafficking is estimated to be a \$7 billion per-year industry. In terms of monetary profits, the FBI every year ranks it only behind drugs and firearms trafficking. There are literally huge amounts of money to be made."

### METH LOOTERS

McAllister blames archaeological crime in part on the economy, noting that when times get hard, it is common to see an upswing in people looking for an alternative source of income. However, he said that the situation right now is the worst it has been in years because of a new kind of thief — the meth looter.

"Methamphetamine addicts are ideally suited to loot archaeological sites because, based on what my law enforcement contacts tell me, they get spun off on meth, need something to do for the next 48 to 72 hours, are paranoid and like to be out away

from people," McAllister said. "So we have this new category of looters out looting archaeological sites, who then go to collectors and dealers and either get drugs directly from them or get money, with which they can buy more meth. It has really added to the problem significantly."

Officers who might encounter looters need to be on alert that these criminals have an affinity for weapons, McAllister warned.

"We stress officer safety and survival," he said. "We don't believe this is worth dying for. You get people who are out doing this on a monetary basis. Often they are going to be using some type of drugs — whether it's meth, marijuana or cocaine. They often also have been drinking and have prior criminal histories both for looting and other crimes. It can be a very dangerous situation."

Stackelbeck agreed and indicated Kentucky has seen cases similar to what McAllister described.

"Often people who participate in these activities also participate in other illicit, illegal behavior," she said. "Production, sale and distribution of methamphetamine and child pornography have been cited as other activities, as well as the illegal trafficking of other kinds of materials." >>



A 2003 looting operation in this Green County cave left an austere sight for archaeologists investigating the damage. The large-scale operation involved looters using high-powered water pumps to wash sediment out of the cave and down through a sluice box to recover artifacts, said Dr. George Crothers, director of the Office of State Archaeology.



>> Stackelbeck recounted a recent investigation where criminals were illegally harvesting ginger from a property. They ultimately were found in possession of weapons as well as a human skull looted from a shelter on federal property. It is becoming common that these criminals who loot artifacts from burial sites are found selling them on sites like eBay, and recapping their escapades in public videos on YouTube.

“There are blogs online where people talk about looting, how they skirt the laws and how they go about finding sites,” said Craig Potts, site protection program manager for the Kentucky Heritage Council. “They are pretty candid in terms of what they’re willing to do and that the point of the activity is to find the goodies and make some money off of them.”

McAllister agrees.

**THRILL MENTALITY**

“There is a real sort of thrill mentality to this,” McAllister said. “They are out there in the woods doing things they’re not supposed to be doing. The whole YouTube thing excites them and they will do things, like, if there happens to be a sign saying the site is protected, they will steal the sign or often take digital photos of themselves working — all sorts of trophies. In some cases the signs or the fact that the artifacts came from public property actually enhances the value of the artifact when it’s sold because of the trophy aspect of it.”

Thieves who choose to make their excursions public via the web might make themselves a little easier to locate and charge. There also is new forensic technology evolving in the way of soil analysis, which helps connect these looters sites to the soil that might be found on their clothes or tools. Sometimes, however, determining the origin of the artifact makes solving archaeological theft difficult, McAllister said.

“But, that’s not to say we haven’t had a lot of successful cases over the years,” he continued. “We get a lot of information from looters themselves simply through effective interviewing and admissions — a lot of standard, tried-and-true law enforcement techniques.”

Unfortunately, McAllister said there is no real textbook on investigating archaeological crimes. However, there are

resources at an officer’s disposal.

“We certainly urge people to contact us,” McAllister said. “We get calls all the time. If it is specifically an investigative question and they come to me, I will refer them to one of our two investigators who work with me. I spend a lot of time talking to archaeologists about damage assessment. We don’t charge to talk on the telephone and we are happy to provide any assistance we can by phone, email or whatever.”

Potts and Stackelbeck also encourage officers to contact them for help when they encounter a case involving artifacts or a violated archaeological site.

“We are typically a starting point in terms of providing information and awareness of various regulations,” Stackelbeck said. “We are not in a position of enforcing those regulations, but we can provide education.

“We are asked to come out onto sites and preserve signs of looting or collections of things that may include items that are obviously looted or that someone is not legally able to possess, like human remains,” she continued.

**NEW TRAINING**

McAllister has been working together with the Department of Criminal Justice Training to prepare curriculum for a course to serve Kentucky officers. It is unknown at this time how soon that course might be available.

“I think there are two primary reasons this is important,” said Scottie Saltsman, DOCJT’s spearhead behind the course. “One is to help protect the heritage and cultural interests that come along with archaeological resources. Other than that, we can show that if someone is violating either graves or archaeological resource sites, there may be a connection to other crimes such as child porn and drugs. So this is one of those things that leads to other crimes.

“So it is not only about protecting the history and culture, but it’s also about protecting those who are here today,” he said. 🪨

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This sluice was used to wash sediment out of a Green County cave in a search for valuable artifacts. The large-scale operation was reported by a Kentucky Department of Fish and Wildlife officer in 2003, but because the cave was on private property, there were minimal violations with which to charge the looters.



# The Six Basic Causes of Archaeological Theft

MARTIN MCALLISTER

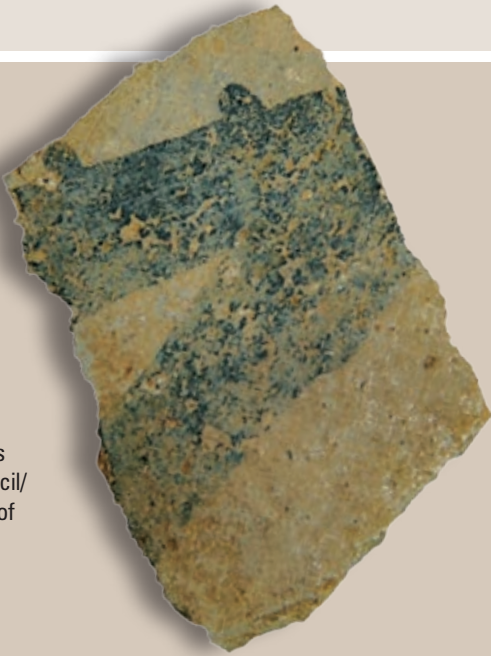
- 1. The public is fascinated with the past.** If you look at television, mass media — it is sort of hard to watch TV for a week and not see something about archaeology or history.
- 2. People have a desire to collect.** Everybody’s house has a collection of something in it. Everybody has interests. When some people get their hands on an artifact, it becomes a life-long obsession for them to collect them.
- 3. U.S. land ownership makes artifacts private property.** In Guatemala, it doesn’t make any difference who owns the land, archaeological sites and artifacts are public property no matter where they are found. In the U.S., that is not the case. If I dig a hole in my back yard in Montana, unless I find human remains, that site belongs to me and I can do whatever I want with the site or artifacts.
- 4. Artifacts have a high monetary value.** People may start off as hobbyists, adding to their personal collections. But when they see what artifacts are selling for on the internet, they rapidly cross the line from hobbyists to commercial looters.
- 5. We have the right to possess, buy and sell legally-obtained artifacts.** I can go to a dealer, see someone buying or selling and that is not an illegal act unless I can prove that the artifact was illegally obtained from public or private property.
- 6. Determining an artifact’s original location is difficult.** If somebody breaks into an office and steals a computer, there is a state property number or it is entered into a log somewhere. When it comes out of the ground, unless we see that happen, then the burden of proof is back on law enforcement. ■

## Contact info for Archaeological help

The mission of the Kentucky Archaeological Survey is to provide a service to other state agencies, work with private landowners to protect archaeological sites and educate the public about Kentucky’s rich archaeological heritage. The KAS is jointly administered by the Kentucky Heritage Council/ State Historic Preservation Office and Department of Anthropology at the University of Kentucky.

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# Archeological Desecration Law

MICHAEL S. SCHWENDEMAN | STAFF ATTORNEY, DOCJT LEGAL TRAINING SECTION

**L**iterally under our feet lies the history of the people who have lived in Kentucky throughout time. From the earliest nomadic hunters, through the era of the modern American Indian tribes, the age of Daniel Boone, settlement, the American Civil War to today, the remains and artifacts of our Kentucky forefathers and foremothers are in the soil beneath our cities, farms and forests. Also, the cemeteries of Kentucky, large and small, public and private, are a rich source of archeological history and heritage for us to treasure and preserve. Unfortunately, this heritage is under attack and in danger of destruction by those who would plunder it for gain, or destroy it for their amusement.

## SLACK FARM

Kentucky gained unwelcome notoriety in this field when an archaeological site known as Slack Farm in Union County was desecrated. This area was the site of a number of villages of the Mississippian Culture dating from 1400 to 1650. In 1987, 10 people paid money to the then-owner of the Slack Farm property for the rights to dig for artifacts. Bringing in a tractor,

they opened between 650 and 750 graves. They destroyed many structures and artifacts in the course of their looting of the area.

The people were arrested and charged with KRS 525.110, desecration of a venerated object, a class A misdemeanor.<sup>1</sup> At that time, there were no degrees of this offense. In response to this event, the legislature enacted KRS 525.105, desecration of a venerated object, first degree as a class D felony. This offense was increased to a class C felony in 2002.<sup>2</sup> KRS 525.110 was re-titled as second degree desecration of a venerated object.

This twisted world of archeological theft and desecration occurred in the mid-1990s. As an assistant attorney general, I came to be involved in a case dealing with the skeletal remains of an aboriginal Indian, later determined to be approximately 10,000 years old. The suspect, while digging for American Indian artifacts in Rockcastle County along the Laurel River, had discovered and excavated a nearly intact skeleton, along with artifacts which had been buried with him. (The remains were later determined to be that of a male.) The suspect boxed up the remains, filled in the grave with garbage and dirt, leaving a coil bed spring sticking up so he could locate it again.

He then transported the remains, which he had named “Roscoe,” to Court Days in Mount Sterling, Ky. Here he hoped to find a buyer who would pay a handsome price for Roscoe, as there is a ghoulish, but lucrative, market for Native American bones. A nearly-intact skeleton would be very valuable indeed. Unfortunately for him,

the only person he approached and offered to sell Roscoe to was an informant for the Federal Bureau of Investigations. To prove authenticity, the suspect agreed to take the informant to Rockcastle County and show the would-be buyer where he found the remains. It was easy to find with the coil spring sticking up out of the ground.

The case against the suspect was nearly bulletproof. The only question was, who had jurisdiction? The remains had been excavated from a location that was near the boundary of the Daniel Boone National Forest. If it was in the forest, the federal government would have jurisdiction. If it was outside, the Commonwealth of Kentucky had jurisdiction. A survey determined that the grave site was just a few yards outside of the boundary of the national forest. Therefore, the case was referred to the Rockcastle County commonwealth’s attorney for prosecution. The defendant was indicted for violation of KRS 525.105, desecration of venerated objects first degree, at that time a class D felony. The perpetrator was convicted and sent to prison. The remains were seized, and ultimately turned over to the U.S. Department of the Interior Bureau of Indian Affairs. The Bureau, in turn, entrusted the remains to the Native American tribal councils of this region, who reburied them in the original grave with appropriate ceremony. The convicted defendant was assessed the costs of excavating and cleaning out the grave site.

## LOOTED RELICS

All sorts of relics of our past are being looted, and the rewards for the looters can be big. There is a big market for Native American artifacts, not only in America, but around the world, particularly in Japan

and Germany. Collectors from those two countries alone purchase about \$20 million of Native American artifacts per year. Intact pots have sold for as much as \$400,000 overseas. The demand for artifacts from the American Civil War has led to high prices for those items as well. In 1995, Civil War era canteens fetched as high as \$4,000, knives \$6,000, and revolvers as much as \$45,000.<sup>3</sup>

Federal law also has evolved to attempt to deal with the problem of archaeological resource desecration, including the Archaeological Resources Protection Act of 1979.<sup>4</sup> This law regulates the excavation of archaeological sites on federal and Indian lands. ARPA applies to archaeological resources, which are defined as “any material remains of past human life or activities, which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act.”<sup>5</sup>

To dig for artifacts on federal or tribal land, permission must be granted by the government agency or Indian tribe with authority over it. ARPA was amended in 1988, partly in response to the events at Slack Farm, including Section 6 (c), which prohibits interstate or international trafficking in archaeological resources that have been obtained illegally under state or local laws.<sup>6</sup> Unlawful excavation, removal and damage of archaeological resources, or sale, purchase, exchange or transport is punishable by not more than a year in prison and a fine of not more than \$10,000. If the cost of restoration and repair exceeds \$500, the penalties increase to a maximum of two years in prison and a fine of not more than \$20,000. Subsequent offenses are punishable by a fine of not more

than \$100,000 and a maximum of five years in prison.<sup>7</sup>

Also in response in part to the Slack Farm incident, Congress enacted the Native American Graves Protection and Repatriation Act.<sup>8</sup> The focus of the law was to return Native American cultural items to the descendants of those peoples. It required all federal agencies and any institutions that received federal funds to comply. Civil penalties may be assessed to museums that do not return the artifacts as required.<sup>9</sup>


In addition to federal laws, there are also numerous state and local laws protecting archaeological sites from unauthorized looting and excavation. For example, Kentucky’s State Antiquities Act (KRS 164.705-KRS 164.735) makes it public policy to preserve archaeological sites and objects of antiquity and to limit archaeological investigations to qualified persons and institutions. It prohibits the willful damage or destruction of archaeological sites owned or leased by the state, state agencies, counties or municipalities, and requires a permit from the University of Kentucky’s Department of Anthropology to explore or excavate archaeological sites on these lands. It further requires anyone who discovers a site to report it to the Department. It is a Class D felony to violate any section of the Kentucky Antiquities Act that prohibits the willful destruction of archaeological sites or requires a permit to excavate.<sup>10</sup>

## OLD CEMETERIES

Old cemeteries also are the targets of looters, as well as common vandalism. To deal with this problem, Kentucky law

enforcement officers have a number of statutory tools to work with. As previously mentioned, desecration of a venerated object first degree, KRS 525.105, is available. It is applicable when a person, without legal authorization, intentionally excavates or disinters human remains for the purpose of commercial sale or exploitation. It also applies to the objects buried contemporaneously with the deceased.

Sometimes old cemeteries are targeted for vandalism because of the race or religion of the people buried there. Intent is a required element under KRS 525.113, and proof may be difficult. Still available to officers in cases of grave and cemetery vandalism is KRS 525.115, violating graves, a class D felony. Cemeteries that also are military heritage sites or objects<sup>11</sup> are afforded additional protection under KRS 171.788(1) and (2), penalties for destruction or alteration, a class A misdemeanor for the first offense and a class D felony for each subsequent offense.

We have inherited many significant places, artifacts and monuments that represent our collective Kentucky heritage, and we bear the responsibility to ensure that they are preserved to hand down to our descendants. The looting and destruction of our archaeological treasures is a direct threat to that heritage. 

- 1 Slack Farm and the Caborn-Welborn People, by David Pollack, Cheryl Ann Munson, and A. Gwynn Henderson, Kentucky Heritage Council Education Series Number One, 1996.
- 2 KRS 525.105.
- 3 Time Crime: Protecting the Past in the United States, Robert Hicks, Crime Prevention and Law Enforcement Services, Commonwealth of Virginia, <http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue9/hicks.htm>, Issue 9, Autumn 2001.
- 4 Pub.L. 96-95 as amended, 93 Stat. 721, codified at 16 U.S.C. §§ 470aa – 470mm.
- 5 16 U.S.C. § 470bb Definitions.
- 6 Many state and local laws define “archaeological resource” differently than ARPA.
- 7 16 U.S.C. § 470ee(d) penalties.
- 8 Pub.L. 101-601, 25 U.S.C. § 3001 et seq., 104 Stat. 3048.
- 9 Native American Graves Protection and Repatriation Act, [http://en.wikipedia.org/wiki/Native\\_American\\_Graves\\_Protection\\_and\\_Repatriation\\_Act](http://en.wikipedia.org/wiki/Native_American_Graves_Protection_and_Repatriation_Act).
- 10 KRS 164.990, subsection (1)
- 11 A link to the list of Kentucky’s military heritage sites and objects may be found at <http://heritage.ky.gov/milsites.htm>.
- 12 Gettysburg: A History of Vandalism; The Gettysburg Daily, November 12, 2011; <http://www.gettysburgdaily.com/?p=9190>.





PHOTO BY JIM ROBERTSON

## Lexington Police Detective James Root

ABBIE DARST | PROGRAM COORDINATOR

**D**etective James Root has served the Lexington Division of Police for 17 years — the past 12 in the Crimes Against Children Unit. His passion to stand up and provide a voice for abused children, combined with his off-the-wall sense of humor, has enabled him to handle an intense caseload. A father of four children, ages 20, 17, 2 and 9 months, Root has been married to his wife, Kelli for six years. He served in the Army and Army Reserves for 20 years before making the leap to law enforcement. Throughout his career, Root has had his share of funny, interesting, weird and heart-wrenching cases — and he has a story to share or a lesson learned from each one.

**Out of nine kids in my family,** seven of us are police officers. I have a sister who is a federal agent, and the rest are local law enforcement. Several are retired now; I'm the youngest. My dad was an executive for Chrysler, my mom was a homemaker. Our career choice really has to do with personality. It's the sense of humor — there's the same sense of humor among all my siblings.

**I never had any intention of becoming a police officer.** I came to Lexington to visit my brother Paul and his wife who were sergeants here. You'd have to visualize my sister-in-law. She's a lovely officer, very petite. I was doing a ride along with her, and there was a disorder call. We roll up and there's a male Hispanic, screaming and yelling with a machete in his right hand and a pit bull on a leash in the left. And I'm going ... O ... K .... My sister-in-law's squad rolls up and they get this guy subdued. At the time, they didn't have that many Spanish speaking officers — this was 1995. And they're trying to talk to him and it's just utter organized chaos. I'm looking at my sister-in-law and her squad with this guy and I was like, 'I have got to do this. This is awesome. And you're going to pay me to do this?' So I applied.

**My wife is a social worker.** That kind of happens a lot in our unit. My sergeant is married to a social worker, another detective is, and our old lieutenant is. We all met on the job. There was this case and she said, 'You need to find this guy.' So me and Det. Ball hunted him down and brought him in. He confessed in 10 minutes. We broke him like a twig. She was like, "Good job." And I was like, "Hmmm, I should ask her out."

“*It's not about me, it's not about my ego. It's about the kids, bottom line. Always has been and always will be.*”

**I teach child abuse investigations and suspect interrogation classes.** That's fun. Interrogation is so much fun because everybody lies. They lie for the exact same reason that kids lie — to get out of trouble. To read any more into it, there's just not more than that. It's just some people are better liars than others. It's all the preparation before you go in that's important. My classes are really fun because I always have candy and doughnuts. I have rubber bands that I flick at people and I throw things at them. It's not your typical class — no, we have fun with it.

**My sergeant knows my preference for old cases.** If he sees something that is 10, 20, 30 years ago he'll give it to me and say, 'See if you can do anything with it.' Everybody has their preference for what they like. I like that the commonwealth has no statute of limitations on felonies, especially involving children. We'll come after you, whether today or 60 years ago.

**You have to paint a picture for the grand jury** when you're explaining old cases. Because if I have a victim who is 55 years old now, that's not my victim. My victim is the 8, 9 or 10 year old little boy or girl inside that person. I don't want to show them this 55 year old woman, who may be a very lovely and nice person, but they need to empathize with and understand that this happened to this child at this time. So sometimes I'll get photographs from the time period of their parents and them, school photos, school records from the time. Then when I present it, people are not visualizing who they see in front of them, but who this happened to and how it impacted their entire life.

**We have a saying in our unit that it's about the kids.** It's not about me, it's not about my ego. It's about the kids, bottom line. It always has been and always will be.

**I have two friends who had been in this unit a long time** and went back to patrol. They said, 'You don't realize the stress you're carrying until you leave.' One officer said,

'It's like you're born again when you leave.' But, I enjoy it. I leave work at work for the most part.

**To help cope with the cases I see,** it sounds really mundane, but I like to work outside in my yard. I'm anal retentive about my grass. I want it to look nice. I put on my little ear phones and sit on my riding mower, and I listen to my music. My wife laughs at me because the neighbors can hear me sing completely off key, and she says, 'You're so weird.' But I'm good with it.

**I think I've only had two cases that really put me over the edge,** where I just had to say, 'OK, I need several weeks off.' That's not that bad for 12 years doing this. I do follow those cases. I still have copies of those cases in my office. I keep those kinds of cases so when they come up for parole, those files can go with me.

**I'm really nosy.** I want to know everything, and I love to talk. In patrol you roll up, you secure the scene, take the report and call the detective, but you don't know what happened. Oh no, I'm way too nosy for that. I want to know everything that happened to the victim, happened to the dad, to the mom. I want to know their criminal histories. I want to know what happened when it goes to grand jury and trial. In patrol you just get your little slice. Detectives, though, get the whole picture. Being nosy, I want the whole picture.

**People have no clue about what goes on** in their own community. They think it happens everywhere else. It happens in the house right next to you. It doesn't happen to economically-disadvantaged people alone. It happens to rich people, to poor people. It happens to Catholics, Baptists. It doesn't matter. You really have to have an interesting sense of humor and personality to be up here for any length of time. 🍌

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# There's a Grant for That

Understanding the when, where and why of obtaining grant funding

ABBIE DARST | PROGRAM COORDINATOR



Hard economic times have affected every avenue of life. From rising grocery and gas costs to falling property values and employment rates, every community in the commonwealth likely is strapped for cash, facing cutbacks and wishing money really did grow on trees. But, in May, more than \$1 million was up for grabs for a handful of Kentucky towns and counties — and though it didn't fall from the trees, with a little hard work, innovation and research, law enforcement agencies across the state reaped huge benefits from accessible, free funds.

The \$1 million was part of the Byrne/Justice Assistance Grant funding allocated to 13 counties and 14 cities across Kentucky. Although federally allocated for these specific places, these funds were not just handed out. The designated locations had to formulate a plan on how to use the funds — often in collaboration with the surrounding county or municipality.

Such is the path to grant funding. Millions of dollars are out there for the taking, but that doesn't mean grants will be easy to locate, define or obtain. On the bright side, grants are available for those willing to be open minded and who work hard.

The Paducah Police Department is one of many agencies that learned the tremendous impact grant funding can have on the efficiency and effectiveness of the department. Paducah has numerous programs, equipment and personnel that have been supported by grant funds, Assistant Chief Stacey Grimes said.

"If we did not receive grants, the impact would be significant," Grimes said. "We would not receive those additional funds to put officers out on the street for DUI enforcement. We would be unable to buy additional equipment, such as in-car cameras, radios and radars that are obtained because of these grants."

Even for a law enforcement agency the size of Paducah's, there often are not enough funds to cover much beyond salaries for its officers.

"It would be nearly impossible for our budget to absorb these costs," Grimes said. "Currently 87 percent of our budget is personnel costs, which leaves little room for the purchase of [the equipment] funded through these grants."

## START AT THE BEGINNING

The process of obtaining grant funding begins long before the specific grant funding source is identified. Agencies must be acutely aware of what they need, not what they want, said Samantha Dorm, a senior grant consultant, writer and reviewer for Lancaster County, Pa.

Strategic planning has to be the first step in effectively searching for grant funding. Planning starts with record keeping and proper reporting — two things that must be ongoing. Byrne/JAG funding, for instance, is earmarked solely on Uniform Crime Reports and population.

"Here it is 2012, and we have some departments who still don't get their UCRs submitted on time," Dorm said "Getting them into the state may not be a big priority for them, but that impacts funding."

Knowing what reports to submit when, is only half the battle. Agencies also need to continually collect statistical data to identify their problems, as well as potential ways to solve those problems.

"One of the things I try to emphasize to all of the departments I have worked with is that they should view the (grant) product as a solution to an identified problem," Dorm said. "Immediately, that means they have to focus on describing the problem so they can justify the purchase of their proposed solution."

At this critical point, many agencies get derailed, deciding what it is they would like to have, yet lacking any viable way to prove the need or qualify the solution, Dorm said. In one case, Dorm worked with an agency that wanted to find funding for a drug dog. In her discussions, she asked how many drug cases they had per year, and they could not answer her. She asked how many drug cases were in the county, overall, and they did not know where to get that information, she said.

"That's where if they were finding a solution to a problem, then working on putting it on paper to describe that problem, >>



>> it brings things back in focus,” she said. “Identifying the drug dog should have been the last piece of the puzzle.”

In this case, the next step was to help the agency figure out where it could obtain the information to justify its need. She recommended talking with local health care system about the issue — asking how many drug overdoses they have each year and whether that is an increase or decrease. Are certain drugs seen more frequently? What are the trends?

For an agency that has made it a point to have ongoing, regular data collection practices, these steps are easy because they have already established a relationship with other local entities whose information helps paint a picture of issues faced by the community.

“[Law enforcement] agencies need to understand what is happening in their communities,” Dorm said. “Establishing and maintaining [community] relationships is an on-going thing because we all know there is usually a very short time period between grant solicitation and when we need to respond. That is not the time to cold call people [for information], because everyone is busy.”

Dorm recommends law enforcement agencies have a system for gathering all kinds of statistics from other entities throughout their community. Whether it’s on a quarterly or monthly basis or just taking an hour out of a day to work on gathering statistics from, for example, the schools on juvenile incidents, continuing data collection will provide agencies with a file from which they can literally cut and paste when needed, Dorm said.

These outside relationships and statistics are imperative because law enforcement

data alone may not tell the whole story. This especially can be true with gun-related violence and drugs. Dorm worked with one agency that focused on homicide statistics to quantify a rise in gun-related violence. In their data, the number of homicides stayed fairly consistent, neither increasing nor decreasing over time. However, when they spoke with the local healthcare system, they learned the number of individuals being treated with gunshot wounds had actually tripled. Advances in healthcare were allowing them to save lives, so victims were not dying from the gun-shot injuries. The agency was able to demonstrate that there was a need for targeting gun-related crime, but based solely on their police data, it looked like the crime hadn’t changed at all.

In addition, most of today’s grants require some type of on-going performance measure. Performance measures are statistics or evidence that the equipment bought, program implemented or project undertaken with grant funds has benefited the department or community in the manner it was supposed to. If an agency is used to collecting data and information from different programs and working with other entities, moving into data collection for performance measures and grant effectiveness will be normal and easier for them.

#### SEEK IT OUT

Once there is a solid foundation for proposing a particular problem, then the quest for a solution, and a grant to cover that solution begins. Agencies may need to write an overview of what is happening. For example, if the problem is drugs, who is it impacting — families, young people, specific neighborhoods, Dorm asked. If specific neighborhoods are targeted, what

**SAMANTHA DORM**, a senior grant consultant, grant writer and reviewer, has more than 10 years experience in program development and grant writing for police and criminal justice agencies. Dorm currently serves Lancaster County, Pa. as the development administrator, where she develops and implements policies and procedures relating to public and private grants within the city and in conjunction with county-wide initiatives. She is responsible for the oversight of grant programs for various departments, including project identification, application submission and management of grant reporting efforts. Dorm also has been a law enforcement grant writing instructor for the Northeast Counterdrug Training Center. ■

resources are available there? It is essential to know who benefits from the proposed solution, Dorm emphasized.

“The easy answer is ‘the community’ or ‘the officers,’ but it is more complex than that,” Dorm said. “Breaking it down is a great way to identify other potential funders for acquisition or sustainability of your efforts.”

Federal or state grants may be available to help an agency achieve its goals and fund its project, but there also are numerous resources right in the local community. For example, if a neighborhood faces a drug problem, perhaps the local council >>



## Grants 101 — Starting the Process

### 1) STRATEGIC POSITIONING

Develop your budget: Put together a cost estimate for the project you seek funding for and make sure you plan for any grant match requirements. Departments can sabotage themselves because of how line items are listed in their budget. There is a clause attached to most federal and state grants that states you cannot supplant funds. This means that if your budget has a line item for a new vehicle and you get a grant, which gives you that vehicle, you will still have to buy that vehicle. You can not transfer the money intended for that vehicle to another line item and use the money budgeted for something else.

Record and report: Something very critical to grants is statistical data and record keeping. Keep a record of everything your department does and keep it updated regularly. In addition, maintain reporting to state and federal agencies is a necessary component in the grants process. This is especially true in law enforcement where how much you are eligible to receive is based on a formula used by computing your Uniform Crime Index numbers vs. your population. Here is a list of the types of data to record and report: <http://www.policegrantshelp.com/grant-data-collection/>

*Use generic terms like “equipment” in budget line items. This way if you get the grant you will still be able to use the money towards another piece of equipment and would not be violating the supplanting rule.*

### 2) FORMING A GRANTS TEAM

Pick the right internal skillsets: Look for interested, motivated members of your organization. A good team will consist of someone from each the following areas: accounting, operations, training and management.

Think about the external impact: Who and what are the organizations and individuals that will be impacted if your department is awarded a grant. Individuals and organizations who have a chance to participate in planning are much more likely to cooperate with efforts to run a grant program and a lot less likely to file a complaint with the city council or media.

*Try to identify those who will benefit from the proposed project and leverage these organizations for input.*

### 3) DUNS NUMBER

Duns Universal Numbering System: Since 2003, the federal government has required all applicants and recipients of federal funding to obtain a DUNS number. The Duns Universal Numbering System allows the government to track where federal money is distributed and how it’s used.

*It can take 24 to 48 hours to get a DUNS number. If you need one call (866)705-5711 or apply online at <http://fedgov.dnb.com/webform>*

### 4) NIMS COMPLIANCE

National Incident Management System Compliance: NIMS is a comprehensive, national approach to incident management that is applicable to all jurisdictional levels across all functional disciplines. Since 2006, departments must participate in NIMS in order to qualify for Department of Homeland Security grants.

The intent of NIMS has two parts:

- Be applicable across a full spectrum of potential incidents and hazard scenarios, regardless of size or complexity.
- Improve coordination and cooperation between public and private entities in a variety of domestic incident management activities.

It is highly recommended that departments follow current and future instructions issued by the NIMS Integration Center. Agencies should be fully prepared in any grant application to discuss and relate the agency’s compliance with NIMS.

### 5) FINDING FUNDS

Grant resources: There are many grants available to law enforcement agencies throughout the year. These grants are from federal, state and local governments, as well as corporations and foundations.

Once your grant strategy has been set up and identified, it’s time to search for available grant opportunities. Use the PoliceGrantsHelp.com search engine to locate available grants. You can perform a search by category (federal, state or corporate) or by selecting Kentucky on their interactive grant map to show all available opportunities. Search results will provide a brief synopsis of the grant, as well as application period dates, contact information, links to the grant homepage and more. ■



## The Story Behind the Grant\*

On February 26, 1988, a young officer only two years into his career with the New York City Police Department, was shot and killed while sitting in a marked police vehicle outside a house where he was working a witness protection detail. The killing — and its link to an out-of-control drug epidemic — caught the attention of President Ronald Reagan and Vice President George H.W. Bush, and it became the catalyst for a more intensive approach to dealing with the nation's drug problem. Bush was presented with Officer Edward Byrne's badge by the officer's father, and he often used it as a rallying symbol in his presidential campaign.

When he became president, he renamed the Omnibus Crime Control and Safe Streets Act of 1968 in memory of the officer — it became the Edward Byrne Memorial Justice Assistance Grant. This federal grant funding program is designed to assist state and local law enforcement agencies with purchasing equipment and generating funding for additional personnel. Today, the grant program is commonly referred to as the Byrne grant or the JAG grant.

Today, the Byrne Grant covers seven major focus areas: law enforcement; prosecution and courts; crime prevention and education; corrections and community corrections; drug treatment and enforcement; planning, evaluation and technology improvement; and crime victim and witness. Sixty percent of this grant program is allocated to the states which, in turn, create their own statewide law enforcement grant program. The other 40 percent goes directly into local agencies and is allocated based on a predetermined formula. ■

\* FROM POLICEGRANTSHelp.COM

>> of churches could be asked to assist in funding drug-reduction programs. If it is a business community, they can contact the business leaders and show them they have a vested interest in helping that community, as well as keeping their employees safe, Dorm said.

The same approach can be used for any identified problem, project or program for which an agency wants to obtain funding. For the agency willing to think outside of the box to every possible entity or group affected by the identified problem, there is a plethora of resources that can potentially be tapped to secure funds. Dorm worked with an agency that stands as a perfect example of widening the scope of affected parties and potential funding sources. Seeking to purchase equipment to assist with accident reconstruction, the law enforcement agency was first pointed to the Department of Transportation. But after asking key questions relating to jurisdiction size, number of residents, proximity to large cities or businesses that are dependent on roadways in the area and key infrastructure, such as government buildings and universities, Dorm was able to widen their vision for how their problem affected multiple entities, who in turn might take a stake in helping fund the purchase of better equipment.

She asked the agency to describe the current methods used for accident reconstruction — was it time consuming or unsafe? And what was the impact of having an inefficient system — were there injuries or significant road closures?

"If roads are closed that are major transportation hubs, it affects more than just a local police department that covers the area of the accident location," Dorm emphasized. "Having this type of information available transitions to potential funding opportunities."

Some of these opportunities identified were:

- Insurance companies and health-related foundations might consider funding projects if there are numerous accidents.
- Trucking companies and Chamber of Commerce may favorably consider a request if roadway closures are impacting businesses.
- Agricultural agencies, if it is a farming community, have a vested interest in

making sure their products are delivered on time.

- Schools may have access to funds not readily available to law enforcement, but the items could be acquired on behalf of the police, through mutual aid agreements.
- Project Safe Neighborhoods and Community Crime Prevention, if the equipment can be used for other functions such as crime-scene-reconstruction duties like gun-related homicides.

In addition, agencies should seek grant-funding opportunities from the products they use and places they shop every day.

"This is where you are investing your money, why not see if they give money back to your community," Dorm said. "All products have a website. Just type in grants, community or giving program, and see if they have resources available."

"In the past we were lazy with the people we see and places we go every day," Dorm continued. "We might go over and see if they had something to give or send a letter. But some of these places have foundations and we weren't taking time to fill out the grant

application. So, we were only getting the \$500 gift card instead of the \$50,000 grant."

Target is one of those businesses that offers assistance to public safety entities. The Target & Blue program supports the safety and preparedness of the communities where their guests and team members live and work, their website explains. Target's grant program is designed to support crime prevention, community preparedness, training and education, youth programs and the National Night Out program.

In an economy where grant opportunities have been cut back or dried up altogether, it is important for agencies to realize that though they probably still can get the funding they need, it may not all come from one source. Being open minded and willing to diversify funding options will produce the best result.

"Many departments are looking for one-stop shopping," Dorm said. "But now, especially on big-ticket items, it is hard to get an entire program or department funded through one source. If you have the opportunity to obtain a half-million dollars from three different sources, would you

turn it down because you wanted it from one source? Having it from three different sources, you have more reporting to do and it can be a pain in the butt — but the money's there.

"There more than likely will be strings attached," she continued. "That's a frustration I get, trying to get [agencies] to understand that they will have to measure [their success]."

There are always going to be new tools and technology agencies need, new programs that will make communities safer and new projects that will allow officers to serve their communities to the best of their abilities — but all of these things come with a price tag. However, no agency should decline opportunities to better itself based solely on lack of funding. By putting forth focused effort, asking for help from grant researching professionals, and leaving no stone unturned, every Kentucky law enforcement agency has an opportunity to secure funding for its every need. ■

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## Private Foundation Funding

Once you identify a good prospect and understand which type of foundation you are dealing with, there is still more work to do before submitting a grant application. You need to do some research to learn more about the foundation and its giving practices. FoundationCenter.com is a great tool for this, but you should also look at the foundation's own website (if it has one), annual report, grant guidelines (request by telephone or email if not available online), and a recent IRS form 990-PF (available free at [www.guidestar.org](http://www.guidestar.org)).

Before contacting a foundation about funding your specific program or department, you need to know the following pieces of information:

- The foundation's mission and current priorities to ensure that your program or department fits within its current focus
- Names of important people in the foundation (for example, the president of the board of directors), so you can address the letter of inquiry or cover letter for your grant proposal to a specific individual
- Geographic focus and fields of interest to ensure that you are eligible to apply for grant funds
- Past grant recipients will tell you whether the foundation funds agencies like yours
- Average grant size and range of awards will help determine the correct grant amount to request
- Number of grants made each year and number of grant applications received to help you determine your chances of receiving a grant award
- Types of support provided (for example, some foundations only provide start-up support or program support, while others provide general operating support), so your budget request includes only the categories funded by the foundation
- Application guidelines will enable you to prepare an application packet that meets the foundation's specific requirements

Doing your homework is a vital step in pursuing private funding for your public safety programs. Your time is valuable; you want to ensure that your expertise and hard work are not wasted by writing and submitting grant proposals that have no chance of success. ■



## The Future of Forensics

Kentucky State Police unveils 3-D laser scanner that provides 'true view' of a crime scene

BY SHERRY BRAY AND LES WILLIAMS | KENTUCKY STATE POLICE PUBLIC AFFAIRS BRANCH

The Kentucky State Police is now using a 3-D scanner that provides detectives a 'true view' of crime and crash scenes, the Leica ScanStation C10.

"This powerful forensic tool enables detectives to quickly document and measure a crime scene using laser mapping technology to provide an accurate, 3-D picture of a crime scene," said KSP Commissioner Rodney Brewer.

The scanner also will reduce man hours currently used to handle crime and crash scene investigations.

"Many times, we will have a dozen officers on hand at a scene, including detectives and officers to preserve the crime scene, close roads or divert traffic," Brewer explained. "With this new technology, we are now able to reduce the amount of time and manpower needed at these scenes."

The Leica ScanStation C10, a portable laser that can capture thousands of measurement points per second to a range of 900 feet, can be used as a tool for investigating homicides, vehicle crashes, officer-involved-shooting reconstructions, terrorism vulnerability and threat assessments.

"When detectives or investigators are called to a scene, our goal is to find the truth by determining a reliable and accurate representation of actual events," said Sgt. Chad Mills of the KSP Collision Analysis and Highway Safety Branch. "The Leica ScanStation C10 provides that digital footprint to help us do just that."

"This tool allows us to virtually revisit and measure the scene any time in the future. It also produces detailed graphic presentations that can be used as compelling courtroom graphics — actually allowing the prosecutor to place the jury into the crime scene," he concluded.

Data from this technology has a 100-percent acceptance record with courts throughout the United States in both criminal and civil cases.

"This data is not an interpretation of the crime scene produced by human hands," Brewer said. "It is the crime scene. It provides prosecutors with compelling images they can use to virtually place jurors inside the crime scene." ■

# INCREASING OFFICER SAFETY

PAT NOVESKY | POLICEONE.COM

*The following article originally appeared on PoliceOne.com, the online resource for law enforcement, and is reprinted by permission of the PoliceOne editorial team. Visit PoliceOne to access articles, information and resources that help officers across the United States protect their communities and stay safe on the streets.*

I've spent much of my career in very low-tech squads, and many days I wish I were back in my first real squad car, an '89 Caprice with a 14-channel radio, no cell phone and two toggle switches on the dash. One of those switches was for the halogen light bar (which, when cold, the rotators would lock up) and the other for the siren (hit the switch and you get one setting: YELP!).

Even the law enforcement pickup I drive today is pretty low tech by most standards, but I still sometimes have more gadgets than I can keep track of.

My "mobile-data computer" in the old Caprice was a wooden box that had a clipboard and notepad mounted to the top, filled with daily essentials. It sat on the passenger seat. When I got trained in the use of the MDC, I was a bit hesitant to use this new-found technology. For about the first year or so, the MDC tray served its other critical purpose: holding coffee cups and fast food.

### ACCEPTANCE

Over time, I began to slowly take advantage of this piece of equipment, and after a few months of having a clipboard attached to it with Velcro, I began to actually use the capabilities

of the MDC. Instead of the coffee cup, I threw the computer in the tray and never looked back.

These days, I hardly remember how to function without a computer in front of me.

I can run plates and people, do time sheets and reports, all with the computer. One thing that still bothers me, though, is the fact that after doing things the "new" way for several years now, I still have a hard time feeling comfortable with my face in the computer screen when I am dealing with a potential bad guy.

You see, the old way made perfect sense — you sit in the driver's seat, left hand on top of the steering wheel holding the ID, right hand on the radio calling it in and eyes forward looking for anything that might get your attention.

Maybe you even had one of those top notch dispatchers who could tell by the tone of your voice over the radio if something was a little abnormal with your contact.

### DISTRACTIONS

Things today are far more impersonal. There's no dispatcher running information for us, we are occupying both hands on the computer, the ID is who

knows where, and eyes are on the computer screen (messing with our night vision), and we are not paying attention to what is going on in front of us.

In fact, with all the stuff in our cars, we can easily be in disarray within the confines of our own car ... where'd I set the flashlight? The radio mic? Oh geez, I misspelled the bad guy's name again ... . Oops! I checked female instead of male. Is my camera recording?

Like it or not, the MDC/MDT is here to stay, so how can we increase our officer safety when we use it? This is one of those topics that we could ask many cops and get many different answers — which is why I am writing about it, hopefully to spark some good tips on how to best use this piece of technology and stay tactically aware.

### DEFENSES

Here are a couple of tricks I have found to be of some value:

1. Find a good place to put the ID or notebook from which you need to get information. Laying it on your leg or passenger seat, or hoping it doesn't slide off your computer while you type are poor ideas. Digging under your seat for a dropped ID during a contact is obviously tactically unsound.

Make a trip to the hardware store and buy a small spring clip to place somewhere on the dashboard in front of you. If you're lucky you will find a small one that has a suction cup and will stick to one side of your rear-view mirror or a larger size that will allow you to clip the ID right to your mirror.

Put the ID in the clip, and you're forced to get your eyes unlocked from the computer and look in front of you (as well as check your six) while you enter data. If you have to initiate a pursuit, the ID is in front of you and not going anywhere, you might even be able to call the information to dispatch while driving if needed.

2. Think about trying to position your squad car at an angle so that you are looking over the top of your

computer to see what is going on in front of you. There are some schools of thought that teach this type of car positioning on vehicle contacts for several reasons, and it is worth some research.

To me, looking over the top of your screen without having to turn your head is good for a couple reasons. First, it is far easier to do, so human nature says you will likely look up more often rather than keep your eyes on your data entry. Second, you will not be showing the bad guy any indicators every time you turn your head away from the computer as to when you are looking at him, and when you are not.

3. Try to avoid the bright overhead dome light. Use a smaller light mounted lower than the level of where the dashboard and windshield meet so your interior is lit up as minimally as possible to do what you need to do. Also, keep you computer screen dim.
4. Like anything we do, when one of your senses is occupied try to use another. If your eyes need to be on the computer, increase your awareness by leaving both your front windows open a few inches so you can hear doors slamming, engines revving/starting, footsteps, firearm action or anything else that should put us on alert.

Technology can be an excellent tool, but like all our other tools we need to think tactically about the operation so we can use these tools as best we can and stay safe in the process.

No doubt about it, technology helps us out. However, for every item of technology we obtain, I think we lose a minor skill or awareness in something else. Young officers who have not known life without some of these items may not realize the amount of awareness we lose by tapping computer keys, answering cell phones or texting. Every second that an officer's eyes are on the computer is time not spent watching the bad guy. We need to remember that every time we are tapping the keys. ■

## KSP Forensic Labs Receive ISO Certification

The Kentucky State Police Forensic Laboratory System has completed an international accreditation process which assesses the quality of lab operations and scientific procedures.



The labs, which are located in Frankfort, Madisonville, Louisville, Cold Spring, Ashland and London, have successfully met the International Standardization Organization 17025 forensic lab standards, in conjunction with the American Society of Crime Lab Directors/Laboratory Accreditation Board's International Accreditation Program for Forensic Laboratories. ISO is the world's developer and publisher of international standards.

More than 20 trained inspectors from around the country assessed the labs in June 2011.

"They reviewed every aspect of our operations," said Laura Sudkamp, director of the KSP Central Lab in Frankfort. "At each location, they poured through our lab reports and viewed on-site documentation and processes. They interviewed lab staff looking for an understanding of the standards and checked for compliance. They reviewed lab report wording, data documentation, analytical processes, training, education and qualifications of each staff member."

The six laboratories, comprised of 128 employees, provide forensic services at no charge to federal agencies and all local agencies in the commonwealth. Approximately 50,000 cases are handled each year by the labs.

"To achieve accreditation on the first try is an outstanding success," said KSP Commissioner Rodney Brewer, "but to do so in such an exemplary manner is a true testament to the high degree of preparation and understanding of the stringent requirements of the accreditation process by lab employees. This feat could not have been accomplished had it not been for the dedication and hard work of all our lab employees." ■



# 2011-12

## Supreme Court Updates

The Kentucky Department of Criminal Justice Training provides the following case summaries for information purposes only. As always, please consult your agency's legal counsel for the applicability of these cases to specific situations.

This summary may be copied, for educational purposes only, with attribution to DOCJT. A longer summary of each of these cases may be found on the DOCJT website at <http://docjt.ky.gov/legal>. There are also additional summaries of cases not included in this update located on the website. Full text of all U.S. Supreme Court cases may be found at <http://www.findlaw.com/cascode/supreme.html>.

Please note, the latest cases in this summary have not yet been assigned official citations.

### BOBBY (WARDEN) V. DIXON, 132 S.C.T. 26 (2011)

*Decided Nov. 7, 2011*

**ISSUE:** May a subject invoke the right to counsel before being taken into custody?

**HOLDING:** No

**DISCUSSION:** The Supreme Court noted that it was "undisputed that Dixon was not in custody during his chance encounter with police" and that it had never held before that a person can invoke "Miranda rights anticipatorily in a context other than 'custodial interrogation.'" The Court agreed that the admission of his statement made prior to being in custody was proper.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/10-1540.pdf>.*



### SMITH V. CAIN (WARDEN), 132 U.S. 975 (2012)

*Decided Jan. 10, 2012*

**ISSUE:** If there is a reasonable

probability that undisclosed material would have affected the outcome of a trial, must the conviction be reversed under *Brady v. Maryland*?

**HOLDING:** Yes

**DISCUSSION:** The prosecution conceded that it withheld information that was favorable to Smith.

The sole question to be whether a witness's statements were material to the determination of Smith's guilt. Materiality, under *Brady*, is "when there is a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different." In this case, "the witness's testimony was the only evidence linking Smith to the crime" and his previously-made



>>



>> “undisclosed statements directly contradict his testimony” and were “plainly material” in the conviction.

The U.S. Supreme Court overturned the verdict.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/10-8145.pdf>.*

**U.S. V. JONES, 132 U.S. 945 (2012)**

*Decided Jan. 23, 2012*

**ISSUE:** Is attaching a tracking device physically to a vehicle a trespass that requires a warrant?

**HOLDING:** Yes

**DISCUSSION:** The Court agreed that the “government’s installation of a GPS device on a target’s vehicle, and its use of that device to monitor the vehicle’s movements, constitutes a search.” It emphasized that police “physically occupied private property for the purpose of obtaining information.” The Court noted that “situations involving merely the transmission of electronic signals without trespass,” however, would remain subject to the analysis in *Katz v. U.S.* The Court upheld the reversal of Jones’s conviction.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/10-1259.pdf>.*

**RYBURN V. HUFF, 132 U.S. 987 (2012)**

*Decided Jan. 23, 2012*

**ISSUE:** May officers enter a home without a warrant if they reasonably believe that it is necessary to prevent harm to themselves or others?

**HOLDING:** Yes

**DISCUSSION:** The Court looked primarily to *Brigham City v. Stuart*, which held that “officers may enter a residence without a warrant when they have ‘an objectively reasonable basis for believing that an occupant is ... imminently threatened with [serious injury].’” The need to preserve and protect life “is justification for what would be otherwise illegal absent an exigency or emergency.”

The Court noted that the Ninth Circuit - “far removed from the scene and with the opportunity

to dissect the elements of the situation — confidently concluded that the officers really had no reason to fear for their safety or that of anyone else.” The Ninth Circuit ruled “that conduct cannot be regarded as a matter of concern so long as it is lawful” and found their “method of analyzing the string of events ... was entirely unreasonable.” The Court noted that “it is a matter of common sense that a combination of events, each of which is mundane when viewed in isolation, may paint an alarming picture. The Court stated that “reasonable police officers in [this] position could have come to the conclusion that the Fourth Amendment permitted them to enter the Huff residence if there was an objectively reasonable basis for fearing that violence was imminent” and that the facts could have given the officers that reasonable belief. The Court reversed the decision with respect to the officers remaining in the case and remanded the case for judgment in their favor.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/11-208.pdf>.*

**HOWES (WARDEN) V. FIELDS, 132 U.S. 1181 (2012)**

*Decided Feb. 21, 2012*

**ISSUE:** Is being questioned while incarcerated for an unrelated crime automatically custodial for Miranda purposes?

**HOLDING:** No

**DISCUSSION:** The Court reviewed the meaning of the word “custody” and defined it as “term of art that specifies circumstances that are thought generally to present a serious danger of coercion.” Relevant factors include the location of the questioning, statements made during the interview, the presence or absence of physical restraints and the release of the interviewee at the end. The Court stated that “not all restraints on freedom of movement amount to” Miranda custody and that a “break in custody may occur while a prisoner is serving a term in prison.” It follows “that imprisonment alone” is not enough to create Miranda custody.

Although Fields’ questioning was lengthy and he did not consent to it, he was told repeatedly he could be returned to his cell at any time. He was questioned in comfortable surroundings and not in restraints. Even though he could not leave on his own, that would have been no different had he been taken to the room for other reasons.

The U.S. Supreme Court reversed the decision of the Sixth Circuit.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/10-680.pdf>.*

**WETZEL V. LAMBERT, 132 U.S. 1195 (2012)**

*Decided Feb. 21, 2012*

**ISSUE:** Must evidence that is not clearly material be revealed under Brady?

**HOLDING:** No

**DISCUSSION:** The Court noted that the Third Circuit “overlooked the [state court’s decision] that the notations were ... ‘not exculpatory or impeaching’ but instead ‘entirely ambiguous.’” It had “focused solely on the alternative ground that any impeachment value that might have been obtained from the notations would have been cumulative.”

The decision of the Third Circuit Court of Appeals was vacated and the case remanded.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/11-38.pdf>.*

**MESSERSCHMIDT V. MILLENDER, 132 U.S. 1235 (2012)**

*Decided Feb. 22, 2012*

**ISSUE:** If a signed warrant is not obviously defective, may an officer rely upon it?

**HOLDING:** Yes

**DISCUSSION:** The Court noted that the validity of the actual warrant was not at issue but whether the officers were entitled to qualified immunity, “even assuming that the warrant should not have been served.” The Court noted that “the fact that a neutral magistrate has issued a warrant is the clearest indication that the officers acted in an objectively reasonable manner or, as we have sometimes put it, in ‘objective good faith.’” An exception exists, however, when “it is obvious that no reasonably competent officer would have concluded that a warrant should be issued” and the “shield of immunity” is lost when the warrant is “so lacking in indicia of probable cause as to render an official’s belief in its existence entirely unreasonable.” In this case, the Court concluded that “any arguable defect would have become

apparent only upon a close parsing of the warrant application, and a comparison of the affidavit to the terms of the warrant to determine whether the affidavit established probable cause to search for all the items listed in the warrant.”

The U.S. Supreme Court reversed the decision of the Ninth Circuit and ordered that the denial of qualified immunity be reversed.

*Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/10-704.pdf>.*

**FLORENCE V. BOARD OF CHOSEN FREEHOLDERS, 132 U.S. 1510 (2012)**

*Decided April 2, 2012*

**ISSUE:** May jails do a thorough search, including requiring inmates to disrobe, during initial intake?

**HOLDING:** Yes

**DISCUSSION:** The Court noted that the term “strip search” is imprecise, meaning everything from a visual inspection of underwear to a far more intrusive search while totally unclothed. The Court continued, stating that “the difficulties of operating a detention center must not be underestimated by the courts” and that “some type of strip search of everyone who is to be detained” is common practice in facilities across the country.

The Court agreed that jails “have a significant interest in conducting a thorough search as a standard part of the intake process” and listing such reasons as detecting lice, injuries and contagious diseases, discovering gang affiliations and detecting contraband. Despite Florence’s assertion that it was unreasonable to search those arrested for minor offenses, the Court noted that the “record provides evidence that the seriousness of an offense is a poor predictor of who has contraband” and that “people detained for minor offenses can turn out to be the most devious and dangerous criminals.” It suggested that someone arrested for a minor offense has reason to hide contraband, fearing a more serious charge should the contraband be found. Further, it noted the difficulties in classifying inmates by their “current and prior offenses before the intake search,” stating that “jails can be even more dangerous than prisons because officials there know so little about the people they admit at the outset.” Jails often do not even have immediate access to the inmate’s criminal history and what they do have might be inaccurate. “To avoid liability, officers might be >>



>> inclined not to conduct a thorough search in any close case, thus creating unnecessary risk for the entire jail population.”

The Court upheld the decision of the Third Circuit Court of Appeals.

Full Text of Opinion: Scan QR code with your smart phone or visit <http://www.supremecourt.gov/opinions/11pdf/10-945.pdf>.

**REICHL V. HOWARDS, 132 U.S. 2088 (2012)**

Decided June 4, 2012

**ISSUE:** Is an officer protected under qualified immunity for making an arrest (supported by probable cause) that is allegedly in violation of the First Amendment because it is retaliation for a criticism made by the subject?

**HOLDING:** Yes

**DISCUSSION:** The Court reviewed the question as to whether “clearly established law at the time of Howards’ arrest so held.” The Court framed the issue as whether “the right in question is not the general right to be free from retaliation for one’s speech, but the more specific right to be free from a retaliatory arrest that is otherwise supported by probable cause.” The Court continued, noting that “an officer might bear animus toward the content of a suspect’s speech. But the officer may also decide to arrest the suspect because his speech provides evidence of a crime or suggests a potential threat.”

The Court reversed the decision and remanded the case back for an award of qualified immunity for both agents.

**NOTE:** Arizona v. U.S., decided June 25, 2012, is not included in this summary because it addresses, specifically, an Arizona statute for which there is no Kentucky parallel. However, a summary is included on the DOCJT website.



## Need an Update?

For all your legal training needs, visit the Department of Criminal Justice Training Legal Section home on the web at <http://docjt.jus.state.ky.us/legal/>. In addition to the full text of the Supreme Court decisions listed here, officers can find information available on a plethora of topics.

For example, details of new Kentucky statutes are regularly updated on the site, along with useful links, open records decisions, supplemental class readings and 24-7 access anywhere to the latest version of the Kentucky Criminal Law Manual.

Still need help? Email the legal staff anytime at [docjt.legal@ky.gov](mailto:docjt.legal@ky.gov).



PHOTO BY JIM ROBERTSON

## 2011 KENTUCKY CRIME STATISTICS

From “Crime in Kentucky, 2011”  
Compiled by Kentucky State Police  
[http://www.kentuckystatepolice.org/pdf/cik\\_2011.pdf](http://www.kentuckystatepolice.org/pdf/cik_2011.pdf)

**198,889**  
SERIOUS CRIMES\*  
COMMITTED  
IN 2011

**A SERIOUS CRIME  
COMMITTED EVERY  
2 minutes, 38 seconds**



**\$23.2**  
MILLION IN CURRENCY  
& NOTES STOLEN

**964**  
POLICE OFFICERS  
ASSAULTED



**297,738**  
ARRESTS

**49%**  
OF VIOLENT  
CRIMES  
SOLVED

**19**  
SERIOUS CRIMES\*  
REPORTED IN ROBERTSON CO.  
LOWEST IN THE STATE

**ONE**  
MURDER  
EVERY  
39 hours, 16 minutes

**22,028**  
BURGLARIES REPORTED  
Valued at  
\$31.06 Million

**ROBBERY  
COMMITTED EVERY  
4 hours, 56 minutes**



**127**  
PICKPOCKET OFFENSES  
REPORTED

**7,952**  
FULL-TIME  
LAW ENFORCEMENT  
OFFICERS IN KENTUCKY  
7,433 Males/519 Females

**25,841**  
DUI  
ARRESTS  
25,139 Convictions

**FIREARMS  
USED IN  
55%  
OF MURDERS**

**4,400**  
STOLEN VEHICLES  
Recovered Valued at  
\$12.3 Million

\* Serious Crimes defined as Group A Crimes



**ALISON LUNDERGRAN GRIMES** | KENTUCKY SECRETARY OF STATE  
**DAVID SARKISIAN** | OFFICE OF THE STATE SECRETARY  
**JACK CONWAY** | KENTUCKY ATTORNEY GENERAL

# Know the Law: Election Offenses

# VOTE

Free and fair elections are the cornerstone of our democratic society, and proper preparation on the part of election administrators and law enforcement is vital to preserving the integrity of the electoral process.

**E**lections implicate a number of criminal offenses that may be difficult to identify in the field. Many of these infractions resemble everyday offenses, such as disorderly conduct or harassment, but are classified differently because of the election setting. Others involve activities that would not normally be illegal but are prohibited at the time and/or place of an election. Additionally, offenses specific to election officers and other public officials involved in the conduct of the election may be particularly difficult to identify, given that they often involve information to which police officers do not have easy access. Complicity for all election law offenses is very broad; anyone counseling, advising, procuring or aiding in the commission of any Kentucky election-law

offense is subject to the penalties faced by the person actually committing the offense. (see KRS 119.275)

## ELECTION OFFENSES RESEMBLING EVERYDAY CONDUCT

Several criminal laws pertain to people who engage in disorderly or disruptive conduct in a voting place. “Disobeying an election officer’s command” applies to individuals who disobey an election officer’s lawful command given while executing his duties. Disobeying an election officer’s command carries a fine of \$25 to \$500, but is not classified as either a felony or misdemeanor. (see KRS 119.185) The statute prohibiting “interference with voting” makes it a class D felony to unlawfully prevent or try to prevent a voter from casting his ballot, to intimidate or attempt

to intimidate a voter into not casting his ballot or to interfere with an election officer in the discharge of his duties. (see KRS 119.155(1)) It is a class A misdemeanor to attempt to or actually forcibly disrupt, prevent or obstruct the lawful holding of an election. (see KRS 119.155(2)) Threatening violence toward, attempting to intimidate or conspiring with one or more person to be armed for the purpose of intimidating election officers or boards of elections is a class D felony. (see KRS 119.255)

Although many of these offenses require that the election officer’s actions be “lawful,” an “irregularity or defect” in the conduct of an election is not a defense. (see KRS 119.285) Accordingly, offenders who complain of improprieties by election officers are not automatically excused for their own actions.

A number of statutes also address attempts to influence the results of an election through deception. Falsely impersonating a registered voter and casting a ballot in his name is a class D felony; attempting to do so is a class A misdemeanor. (see KRS 119.165(1)) Voting in Kentucky when

a resident of another state or country, voting more than once during an election and voting using someone else’s naturalization papers, even if not done by impersonating a registered voter, also are class D felonies. (see KRS 119.165(2)) It is a class A misdemeanor to vote in a precinct other than the precinct of residence, unless it is done to vote in a race in which the individuals could not otherwise vote, which is a class D felony. (see KRS 119.165(2)) Applying for and receiving a ballot at any voting place at which an individual is not entitled to vote is a class A misdemeanor, regardless whether it falls into one of the above categories. (see KRS 119.165(5))

Law enforcement and election officials must keep in mind that a would-be voter whose qualification to vote is disputed is not necessarily barred from casting a ballot. Instead, if election officers disagree as to the voter’s qualifications or a challenger disputes his right to vote, the voter must sign an oath before voting, and the oath ultimately is investigated by the commonwealth’s and county attorneys and a grand jury. (see KRS 117.245)

Making or accepting any expenditure in exchange for a vote for a particular candidate or resolution of a public question is a class D felony. (see KRS 119.205(1)-(3)) Expenditures include transfers of things of monetary value, including loans, advances and gifts, but excluding certain campaign materials, such as brochures and buttons. (see KRS 119.205(4)) It also is a class B misdemeanor to make a payment to transport voters to the polls, unless such payment is made by check and reported to the Registry of Election Finance. (see KRS 119.205(5)) Making an expenditure in exchange for registering a certain number of voters or a certain number of voters of a particular political affiliation is also a class B misdemeanor. (see KRS 119.207)

## PROHIBITED ACTIVITIES DURING AN ELECTION

Other election-law offenses involve activities that become illegal only in the context of an election. For example, it is illegal to sell, loan, give or furnish intoxicating liquor to anyone in Kentucky on an election day. (see KRS 119.215) The penalty for doing so is a \$25 to \$50 fine. Kentucky law also provides that retail vendors selling wine and/or spirits may not be open during the

hours that polls are open on an election day, and violating this law is a class B misdemeanor for the first offense and a class A misdemeanor for subsequent offenses. (see KRS 244.290)

Several statutes prohibit specified activities within a certain distance from voting places. For instance, electioneering — campaigning, placing signs, etc. — is prohibited within 300 feet of a polling place. (see KRS 117.235) (Local governments may impose larger required distances, but not smaller ones. Id.) The law does not expressly prohibit exit polling within 300 feet of polling places. Election officers are allowed to maintain law and order within 300 feet of their polling place and may request law enforcement officers to assist in doing so. (see KRS 117.235)

Only election officers, voters, minor children of voters, and certified election challengers are permitted inside the polling place itself. (see KRS 117.235) These persons may not converse with each other about their support or lack of support for particular candidates. (see KRS 117.235) Violation of any of these rules after being informed of them by an election officer or law enforcement officer is a class A misdemeanor. (see KRS 117.995)

## OFFENSES SPECIFIC TO ELECTION OFFICIALS AND VOTERS

Election officers themselves are subject to several laws regarding their interactions with voters and election-day responsibilities. Unless otherwise specified, it is a class B misdemeanor for any public official to willfully fail to perform his statutorily prescribed duties pertaining to elections. (see KRS 119.265)

Additionally, election and law enforcement officers should be aware that, in contrast to other states, Kentucky has identification requirements for voting. In order to vote, election officers are required to confirm a voter’s identity by personal acquaintance or by a document, such as a driver’s license, credit card or Social Security card. (see KRS 117.227; 31 KAR 4:010 Section 1) Voters must then sign the official precinct roster. (see KRS 117.225) An election officer who prevents a voter who satisfies these qualifications from voting commits a class A misdemeanor. (see KRS 117.995) Election officers also commit an offense if they refuse to admit an election challenger

who presents a duly attested certificate of appointment. (see KRS 119.145) The penalty for this violation is a \$50 to \$500 fine. (see KRS 119.145)

Offenses involving interference with election materials generally apply to both voters and election officers. Several laws address the unlawful removal of a ballot from the election room. For example, it is a class C felony to take, remove or carry away a ballot from the place it is lawfully located or to possess a ballot unlawfully outside of the polling place. (see KRS 119.195(3)) An election officer who permits such unlawful removal or possession of a ballot also commits a class C felony. (see KRS 119.195(3)) Election officers may face a class C felony charge for marking or defacing ballots in their custody. (see KRS 119.195(4)) And anyone who destroys or attempts to destroy a ballot or ballot box or who by improper means attempts to take possession of a ballot box before the votes are counted commits a class D felony. (see KRS 119.195(5)) Tampering with voting machines also is a class D felony. (see KRS 119.115) Likewise, anyone who removes, defaces or destroys voter instruction cards, election booths or other “election conveniences” may face six months to one year of imprisonment in a county jail. (see KRS 119.105) 🗳️



A comprehensive listing of Kentucky’s election laws is available online at [www.elect.ky.gov](http://www.elect.ky.gov). Individuals with questions or concerns regarding election offenses should visit [www.sos.ky.gov](http://www.sos.ky.gov) and [www.ag.ky.gov](http://www.ag.ky.gov).





Chief Ray O’Neal

Marion Police Department

Ray O’Neal was named chief of the Marion Police Department in July 2007. He joined the force in 1999 and completed his basic training in April 2000. O’Neal, born and raised in Crittenden County, pursued a career in the coal mining industry after finishing high school. After 18 years of underground coal mining, O’Neal decided to seek his lifelong dream of being a police officer. He and his wife, Brenda, have been married for 30 years and have three children.

DO YOU FEEL AS THOUGH YOU HAVE GIVEN BACK TO THE CRITTENDEN COUNTY COMMUNITY IN SOME WAY BY WORKING AT MARION POLICE DEPARTMENT?

The residents of Marion and Crittenden County have strongly supported me as chief. I’ve attempted to give back to the community by implementing programs they want and which were long needed. Such programs include nightly door checks at local businesses, neighborhood policing, establishing an unused prescription drug drop-off location, and making significant improvements to the local 911-dispatch efforts.

HOW HAS YOUR WORK HISTORY REFLECTED YOU AS A PERSON?

I try to bring integrity and fairness into everything I do as chief. Hopefully, my work record reflects success in doing so. Being the police chief in a small community simply requires you to look at every case individually and with an open mind. I frequently deal with situations involving people whose families I have known my whole life, so it’s sometimes difficult to keep my personal opinions and feelings out of those situations. But I feel like I have to in order to maintain integrity and fairness in my work.

Our greatest achievement has been taking over the countywide 911 dispatching duties from the Kentucky State Police Madisonville Post.

WHAT ATTRIBUTE DO YOU MOST LIKE ABOUT BEING CHIEF OF THE MARION POLICE DEPARTMENT?

It’s hard to pick the number one thing I like about being chief. I definitely enjoy being in a position to help people and trying to make things better in my home town. As head of one of the city’s departments, I also like being involved in the overall decision-making process on budgeting, personnel, procurement and other activities.

WHAT IS A MORALE BOOSTER FOR YOUR AGENCY?

Implementing a take-home vehicle policy would likely be a morale booster. However, morale is generally good in the department, thanks in large part to the tremendous support we receive from the city administrator, mayor and the council. I understand from talking to my counterparts around the state that it is rare to have this support to the extent we do. I can’t remember the last time we had a significant disagreement with the administration on budgetary items or policy issues.

WHAT ARE YOUR DEPARTMENT’S GREATEST ACHIEVEMENTS?

We recently installed several cameras to monitor the downtown area. Since we occasionally have only one officer on duty, this “extra set of eyes” allows the dispatcher on duty to alert the patrol officer of things he might not have seen. Some other achievements in recent years include obtaining sizeable grants for safety equipment and weapons,

expanding our vehicle fleet and raising the salaries of our officers and dispatchers to where we’re competitive with surrounding jurisdictions.

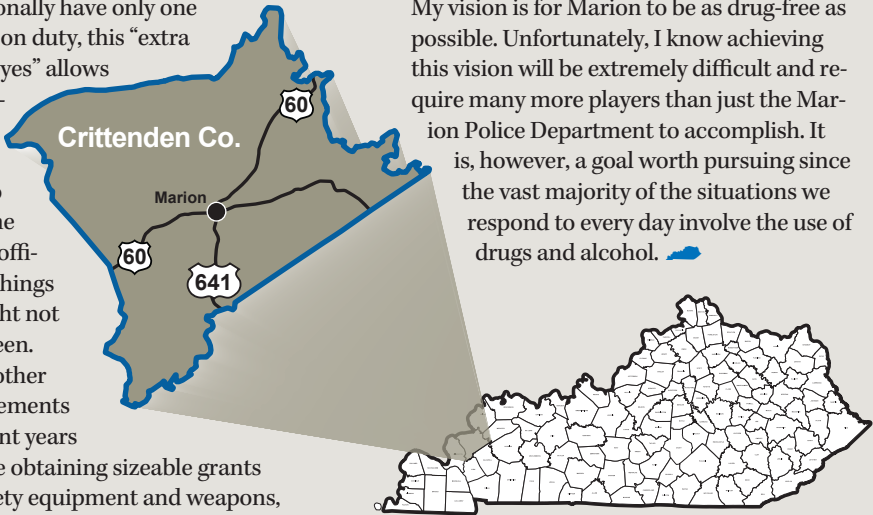
I suppose, however, our greatest achievement has been taking over the countywide 911 dispatching duties from the Kentucky State Police Madisonville Post. We accomplished this about two years ago and experienced surprisingly few problems during the changeover. All our dispatchers are now certified through the Department of Criminal Justice Training and are true emergency-communications professionals. With the change has come significant upgrades in our communications equipment and technology.

WHAT IS YOUR DEPARTMENT DOING THIS SUMMER TO PROTECT AND KEEP KIDS SAFE?

Marion, thankfully, is a very low-crime area when it comes to serious offenses, including crimes against children. We typically do not adjust our activities a whole lot during the summer months while the kids are out of school. Our neighborhood policing efforts ensure regular patrol of the areas where kids play outdoors or just hang out.

WHAT IS YOUR VISION FOR THE FUTURE?

My vision is for Marion to be as drug-free as possible. Unfortunately, I know achieving this vision will be extremely difficult and require many more players than just the Marion Police Department to accomplish. It is, however, a goal worth pursuing since the vast majority of the situations we respond to every day involve the use of drugs and alcohol.



University of Kentucky Police officers reached new heights for the Cops on Doughnut Shops fundraiser for Special Olympics. Krispy Kreme hosted the event in Lexington back in June and also included Torch Run officers from Lexington Police Department, ATF and Kentucky State Police. More than \$2,000 was raised.

PHOTO BY JIM ROBERTSON



## Book Review

Mark C. Miller | Associate Professor and Chair, Department of Government, Clark University

# Policing Hatred

## *Law Enforcement, Civil Rights and Hate Crime*

This interesting and well-written new book is an ethnographic study of how hate-crime laws are enforced, from the perspective of police officers in an unnamed major U.S. city's special hate-crimes unit. The author spent a great deal of time observing and interviewing these police officers in order to get a better understanding of how potential hate crimes are initially classified as such and investigated. There is a great deal of attention paid to the discretion that these officers have in the various steps of their work. There is also some mention of the difficulty of distinguishing between protected hate speech and prohibited hate crimes. The goal of the author was to analyze how hate crime laws work in practice from the perspective of those who must enforce them.

The author has both a doctorate degree in political science and a law degree from the University of Michigan. She currently is an associate professor of law and an adjunct professor of political science at Indiana University in Bloomington, Ind. "Policing Hatred" resulted from her doctorate dissertation. Bell clearly is a strong proponent of enacting tougher hate crime legislation and enforcing those laws already on the books.

The book carefully studies the institutional culture of the special hate-crimes police unit in a specific city in a state with fairly extensive hate-crimes laws. The book provides an enlightening glimpse into how this special police division interacts

with regular police units, who often are the first on the scene of a potential hate crime. Many hate crimes in this specific city seem to occur in mostly white, working class neighborhoods which have tended to remain largely insulated and segregated. The perpetrators seem to be mostly white, while the victims are mostly racial, ethnic, religious or sexual minorities. This special police unit includes officers from a variety of backgrounds, including women, African Americans, Latino/Hispanic Americans, Asian Americans and some gays and lesbians. The special division also includes officers who have grown up in those white working-class neighborhoods. While most of the hate-crime officers seem to support strong efforts to enforce the hate-crimes laws, not all share that ideological perspective.

Although one of the strengths of this book is its focus on a special hate-crimes police unit, that is also one of its weaknesses. It was well beyond the scope of this research project to examine the attitudes and actions of regular police officers who are not members of the team. But that research would have provided more context for the findings of this project. One must wonder whether hate-crime laws are enforced in the same way in cities without a designated division, or in cities where similar special units do not receive the resources and political support this one does. What happens in cities and in states where the police give enforcement of potential hate crimes a lower priority? There seems to be strong support from political leaders of this specific city for the special hate-crimes mission, and the state also has one of the strongest hate-crimes laws in the United States. Given that unique political and social environment, one must wonder whether the findings of this study can be generalized to other cities. Nevertheless, this book is an enlightening observation of

police officers in this unique political and social environment.

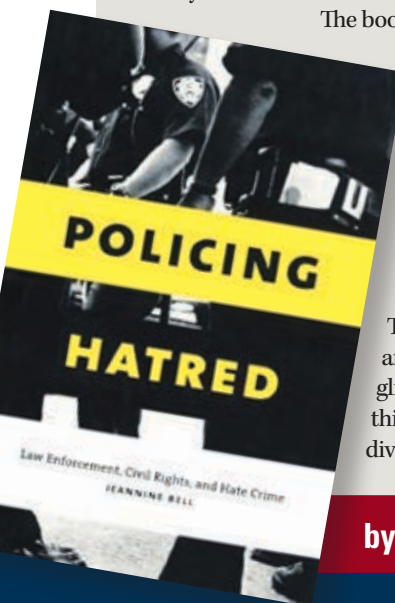
The book has nine relatively short chapters. After a brief introductory chapter, the second chapter provides the framework that the author uses throughout the book. The third chapter examines the fairly recent growth of hate crime legislation in the U. S. The fourth chapter assesses how potential hate crimes are brought to the attention of the special hate-crimes unit in this city. The fifth chapter explores the difficulties of investigating potential hate crimes in neighborhoods that oppose strong enforcement efforts for these crimes. This chapter also examines the internal conflicts experienced by officers from white, working-class backgrounds while enforcing these laws in their old neighborhoods. The sixth chapter discusses how the special hate-crimes unit functions within the broader organization of the police department. Chapters seven and eight give a brief view of how prosecutors and the courts handle the information gained from police investigations of the hate crimes. These chapters remind the reader that law enforcement is not the last step in the process of implementing hate crime laws. The concluding chapter calls for passage of even more detailed hate-crime legislation, especially in states and localities where current law is considered weak.

The author concludes that the special unit in this city clearly helps the victims and potential victims of hate crimes. She also argues for the importance of having the police diligently investigate even low-level offenses, such as vandalism, given the devastating cumulative effects on society of these potentially hate-based offenses.

For more information on hate crime in Kentucky, see p. 26. 🐾

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by Jeannine Bell, New York University Press, New York, N.Y., 2002



## STRANGE STORIES FROM THE BEAT

### » Hot Fries Lead to Assault Charge



Would you like fries with that assault? A Massachusetts man was arrested for throwing hot french fries at his step-daughter's face during an argument. She was not hurt but the man was charged with assault with a dangerous weapon.

### » Lost Bird Directs Police to His Home

Polly Wanna Go Home! An escaped pet parakeet kept quiet after being turned over to Sagamiara Police, just west of Tokyo. But it was not long before the bird told officers everything they wanted to know, including its home address. Police say the chatty bird's owner had previously lost a parakeet and wanted to make sure this one could find its way home.



### Gator Bites the Hand That Feeds Him, Man Lands in Jail

Please don't feed the gators! That's what one Florida tour boat captain was doing when a hungry alligator bit off the hand that was feeding him. After being patched-up, the captain was arrested and charged with the second-degree misdemeanor and released on \$1,000 bond. Double ouch!

### Demanding Inmate Charged with Trespassing at Jail

Some people just don't know how to say goodbye. 37-year-old Rodney Valentine was being released from a North Carolina jail but refused to leave after authorities declined his request for a ride to a motel. Valentine is now charged with second-degree trespassing and right back in familiar surroundings.



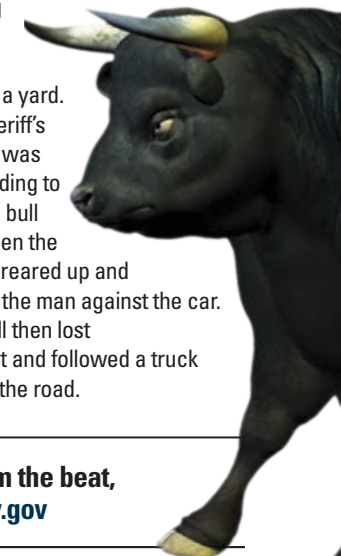
### Defendant Catches Break, Hands One Back to Judge

One good break deserves another. A California judge had just finished giving a convicted felon a break for missing some probation requirements, when the perp left the courthouse and smashed a car window in the parking lot in front of two police officers. It was also the judge's car.



### Bovine Attack Damages Patrol Car

An amorous bull damaged an Arkansas sheriff's patrol car when it tried to mount the man leading the animal across a yard. The sheriff's deputy was responding to a loose bull call when the bovine reared up and pinned the man against the car. The bull then lost interest and followed a truck down the road.



» IF YOU HAVE ANY funny, interesting or strange stories from the beat, please send them to [jimd.robertson@ky.gov](mailto:jimd.robertson@ky.gov)





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